

**An Assessment of the Potential and Limits of the
Convention on Biological Diversity to Provide a
Comprehensive Legal Framework for Achieving
Sustainable Forest Management Worldwide**

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Organization of this report:

This report has three main sections, which are:

- I. An Introduction section, which sets the context for the assessment and provides background information on activities and outcomes of meetings of Parties to the Convention on Biological Diversity (CBD), the Intergovernmental Panel on Forests (IPF), and the Intergovernmental Forum on Forests (IFF). The context is particularly important to understand the scope of existing activities that relate to sustainable forest management and help to assess the potential roles and limitations of the CBD as part of international efforts to achieve sustainable forest management.
- II. A Summary of Finding section which summarizes the overall conclusions of the assessment.
- III. Annexes, which contain responses to each of six questions that were provided to the Contractor.

What is new about this assessment?

Several assessments have been undertaken over the past 5-8 years examining the need for and components of a legally binding instrument for forests. Several of these assessments investigated the potential of the CBD to provide an international framework to advance sustainable forest management. This assessment adds to past assessment in that it examines not only the potential of the CBD as a framework for sustainable forest management, but also considers the need for a governing body to oversee implementation of the agreement. An effective governing body is essential to ensure adequate opportunities for debate and discussion, establish priorities and international policies, develop and implement programs of work, and monitor and report on the status of forests and forest biodiversity. Ensuring the establishment of an effective governing body may be as important as ensuring that the agreement is comprehensive and legally binding. Previous assessments have generally focused on the nature of a forest agreement, and not addressed the need for an effective governing body.

I. Introduction and Background:

Forests are essential ecosystems providing ecological functions (e.g. oxygen production, carbon storage, water purification, and protection of soils, etc.), and are critical to maintaining global biodiversity. Forests provide humans with many resources (fibre, food, energy, recreation, and medicines, etc) which, translate into social, cultural, spiritual, and economic benefits. Many indigenous and local communities depend on forests to maintain their traditional lifestyles.

Despite the multiple benefits of forests, deforestation and forest degradation continue in many places in the world causing the loss of forest biodiversity and threatening the long-term integrity of these crucial ecosystems. Numerous causes for deforestation and forest degradation have been identified including *inter alia*:

- Inappropriate land and resource policies that result from undervaluing the importance of forests and overvaluing their conversion;
- The absence of resource planning and management systems to prevent unsustainable use and inappropriate use of forests and forest resources;
- Insufficient skilled personnel that are necessary to plan and manage the use of forests and forest resources;
- Insecure land tenure which often results in abuse of resources and discourages investment in long-term management activities;
- Rapid human population growth and increased demand for forest products;
- Pressure, especially in developing countries, to develop their economies to increase employment and reduce foreign debts resulting in the rapid conversion of forests to produce a few high yield commercial products, and
- A variety of factors that degrade forests including, air and water pollution, introduction of harmful alien species, and inappropriate practices and levels of resource harvesting.

Deforestation and forest degradation have been global issues for many years. In 1992, world leaders gathered in Brazil during the United Nations Conference on Environment and Development (UNCED) to promote global efforts to achieve sustainable development. Countries agreed to legally binding conventions on Climate Change and Biodiversity. Prior to UNCED many industrialized nations, including Canada the other G7 countries, supported the establishment of a Convention on all types of forests. However, consensus on a forest convention was not achieved during the summit. Nations instead agreed to a non-legally binding set of Forest Principles. Conference participants also developed a blueprint to guide future development and environmental protection. This blueprint was called Agenda 21, which contained an important chapter on forests.

Chapter 11 Combating Deforestation of Agenda 21, like the Forest Principles, is not legally binding. Chapter 11 provides countries with objectives and promotes the use of management activities that can be undertaken to combat deforestation. The Chapter also promotes the need for international cooperation to combat deforestation.

To oversee implementation of Agenda 21 and to provide a forum for discussion and debate on sustainable development, the United Nations established the Commission on Sustainable Development. The Commission on Sustainable Development, recognizing the need to continue international discussions and debate on forests beyond UNCED, established the Intergovernmental Panel on Forests (IPF) in 1995.

The Commission challenged the IPF to consider:

- Progress in national forest and land-use plans;
- Underlying causes of deforestation and forest degradation;
- Traditional forest-related knowledge;
- Fragile ecosystems affected by desertification and the impact of airborne pollution on forests;
- Needs and requirements of countries with low forest cover;
- International co-operation in financial assistance and technology transfer;
- Assessment of the multiple benefits of all types of forests;
- Methodologies for proper valuation of the multiple benefits of forests;
- Criteria and indicators for sustainable forest management;
- Trade and environment in relation to forest products and services;
- International organizations and multilateral institutions including appropriate legal mechanisms; and
- Further implementation of the Forest Principles, including the use of appropriate legal arrangements and mechanisms covering all types of forests.

The IPF met four times and at its fourth session in 1997, adopted a final report (Report of the Ad Hoc Intergovernmental Panel on Forests on its fourth session February 1997). The report contained a set of comprehensive proposals for action, which were endorsed by the Commission on Sustainable Development in 1997.

To continue the progress made by the IPF, the United Nations General Assembly at the Special Session in June 1997, decided to establish an ad hoc open-ended Intergovernmental Forum on Forests (IFF) under the aegis of the Commission on Sustainable Development.

The IFF was mandated to *inter alia*:

- Promote and facilitate the IPF's proposals for action;
- Review, monitor and report on progress in the management, conservation and sustainable development of all types of forests;
- Consider matters left pending by the IPF, in particular trade and the environment in relation to forest products and services, transfer of technology and the need for financial resources; and
- Identify the possible elements of, and work towards consensus on international arrangements and mechanisms, for example, a legally binding instrument on forests.

The IFF is to report on their work to the Commission on Sustainable Development in 1999, and pending advice from the Commission, the IFF will continue its discussions and prepare a final report for the meeting of the Commission in 2000.

Parties to the CBD also recognized the importance of forests, especially their role in maintaining terrestrial biodiversity. They began discussions to advance the conservation of forest biodiversity and the sustainable use of forest biological resources in November 1995, at their second Conference of Parties (COP2), held in Jakarta, Indonesia. Parties developed a statement on forest biodiversity and transmitted it to the IPF. They also requested the Executive Secretary to provide advice and information pertaining to the relationship between indigenous and local communities and forests, as invited by the IPF. Parties further requested the Executive Secretary to prepare a paper on the links between forests and biodiversity for them to consider at their third meeting.

Perhaps the most significant outcome of discussions on forest biodiversity at COP2 was that Parties clearly established that the CBD had a role to play in ensuring the conservation and sustainable use of the world's forests. They emphasized the need for international bodies and agencies with interests in forests, to coordinate their activities in order to fill gaps, and avoid duplicating efforts.

In 1996, the CBD's Subsidiary Body on Scientific, Technical and Technology Advice (SBSTTA) discussed forest biodiversity under an agenda item that was devoted to Terrestrial Biodiversity. SBSSTA reviewed a paper prepared by the Executive Secretary on linkages between forests and biodiversity and made recommendations to the COP with regard to what additional inputs should be sent to the IPF.

SBSTTA also identified the following eight forest biodiversity research and technical priorities (Report of the Subsidiary Body on Scientific, Technical and Technological Advice 1996):

- a) Building the scientific foundation and methodologies necessary to advance the elaboration and implementation of criteria and indicators for forest quality and biodiversity conservation as part of sustainable forest management;
- b) Analyzing the role of biodiversity in forest ecosystem functioning;
- c) Analyzing measures for mitigating the underlying causes of biodiversity loss;
- d) Advancing scientific and technical approaches to (i) rehabilitating degraded and deforested ecosystems and (ii) enriching biodiversity in forest plantations;
- e) Identifying gaps in knowledge in the areas of fragmentation and population viability, to include mitigation options such as corridors and buffer zones;
- f) Assessing ecological landscape models, the integration of protected areas in the ecosystem approach to sustainable forest management and the representativeness and adequacy of protected areas networks;
- g) Analyzing scientifically the ways in which human activities, in particular forest management practices, influence biodiversity and assessing ways to minimize or mitigate negative influences; and
- h) Developing assessment and evaluation methodologies for the multiple benefits derived from forest biodiversity.

During COP3, Parties reaffirmed that the CBD has a clear role and mandate on issues of forest biodiversity. They requested the Executive Secretary to explore ways and means to cooperate with the IPF and prepare a focused work programme on forest biodiversity for their consideration at COP4. Parties requested SBSTTA to contribute advice on the draft programme of work and advance its scientific, technical and technological consideration of forest biodiversity in the following two research areas: (Decisions from the Third Meeting of the Conference of Parties to the CBD November 1996)

- a) Methodologies necessary to advance the elaboration and implementation of criteria and indicators for the conservation of biodiversity as part of sustainable forest management; and
- b) Scientific analysis of the ways in which human activities, in particular forest management practices, influence biodiversity, and assessment of ways to minimize or mitigate negative influences.

The Executive Secretary established a Forest Biodiversity Liaison Group to assist in the preparation of a draft programme of work on forest biodiversity. Hosted by the Government of Finland, the Liaison Group met in 1997, and generated numerous recommendations in the following four thematic areas, as possible elements of a focused work programme:

- a) Facilitate the application and integration of the objectives of the CBD in the sustainable management of forests at the national, regional and global levels, in accordance with the ecosystem approach;
- b) Complement existing national, regional or international criteria and indicator frameworks for sustainable forest management;
- c) Incorporate traditional systems of forest biological diversity conservation; and
- d) Focus on research, co-operation, and development and transfer of technologies.

Taking into consideration the decisions at past meetings of the COP, recommendations made by SBSTTA, and the output from the Liaison Group, a focused programme of work on forest biodiversity was agreed to at COP4. Key elements of the programme of work include, **Parties:** (Decisions from the Fourth Meeting of the Conference of Parties to the CBD May 1998)

- a) Noted the importance of international collaboration to address afforestation, deforestation, forest degradation and loss of forest biodiversity;
- b) Requested SBSTTA to provide advice on the status and trends of forest biodiversity and the identification of options for the conservation and sustainable use of forest biodiversity for consideration at COP6;
- c) Established four key elements to advance work on forest biodiversity, which are:
 - 1) Holistic and inter-sectoral ecosystem approaches that integrate the conservation and sustainable use of biodiversity, taking account of social, cultural and economic considerations.
 - 2) Comprehensive analysis of the ways in which human activities, in particular, forest management practices, influence biodiversity and assessment of ways to prevent or mitigate negative influences.
 - 3) Methodologies necessary to advance the elaboration and implementation of criteria and indicators for forest biodiversity.
 - 4) Further research and technology priorities identified in the SBSTTA recommendation II/8 as well as issues identified in the review and planning process under the work programme.

- d) Advised the financial mechanism to support implementation of the programme of work, in particular, activities to halt and mitigate deforestation effects, basic assessments and monitoring of forest biodiversity, including taxonomic studies; inventories focusing on forest species, important components of forest biological diversity and ecosystems under threats.

The work programme describes several activities and optional examples of ways and means to address each major element. It is up to countries to identify their priorities, required activities and choose the most appropriate ways and means to achieve the desired outcomes based on their unique situation.

In addition to agreeing to a programme of work on forest biodiversity, Parties decided that forest biodiversity would be their main ecological theme for COP6, which will take place in 2002 (Decisions from the Fourth Meeting of the Conference of Parties to the CBD, May 1998).

In summary, Parties to the CBD have established a role and mandate to address aspects related to the conservation and sustainable use of forest biodiversity. The role and mandate that they have established can be characterized as promoting and focusing efforts to:

- Determine and prevent the underlying causes of the loss of forest biodiversity;
- Better understand the state of forest biodiversity by enhancing taxonomic efforts and basic inventories, and through applied research programs;
- Advance cross-sectoral and sectoral planning and management approaches; and
- Enhance coordination among international bodies to ensure that new programs and activities complement existing programs and activities.

Purpose of the Assessment:

This assessment is intended to assist the Government of Canada to participate in national and international discussions that are concerned with the establishment of a global instrument on forests, by providing new and additional information and identifying the pros and cons of various options for an international instrument on forests. The assessment will be particularly helpful to prepare for discussions within the Intergovernmental Forum on Forests, which is examining the possible elements of, and consensus on a legally binding instrument for forests.

This assessment focuses on the potential and limits of the CBD as a mechanism to provide a comprehensive, effective international legal framework for managing all forests and all forest values. To assist the analysis, the Contractor was provided with the following questions to be answered:

- A) To what extent were forests and forest issues considered in the negotiation of the CBD?
- B) To what extent do CBD provisions address key forest values as articulated in the UNCED Forest Principles?
- C) How successful has the CBD been to date in providing effective governance of the international forest agenda and in developing a common international agenda for action for the forest sector?
- D) What factors limit the potential of the CBD to act as the global mechanism to formulate an international forest policy agenda for action, and coordinate and mobilize the diverse strengths of existing intergovernmental institutions in implementing such as agenda for action?
- E) What, if any of the financial demands of developing countries for assistance to achieve sustainable forest management are beyond the scope of the CBD's financial mechanism? If there are demands beyond the scope of the financial mechanism, what is the potential to extend and expand the CBD's financial mechanism to address the full-range of forest-related financial demands?
- F) To what extent would a forest protocol to the CBD strengthen the international legal regime for forests and what are the pros and cons of such a protocol compared to a dedicated international forest convention?

II. Summary of Finding:

1. The global importance of forests was acknowledged at the Earth Summit in 1992, which resulted in the non-legally binding Forest Principles. The Forest Principles provide an excellent basis from which to negotiate a legally binding comprehensive agreement for all forest types. The Forest Principles are relatively comprehensive and provide clear understanding of the requirement of sustainable forest management, while allowing for country flexibility. Flexibility is necessary to ensure that local solutions are found to local issues. **It is essential that any agreement on forests be balanced in terms of providing adequate direction to ensure understanding of the requirement of sustainable forest management, while providing sufficient flexibility for each country to respond to the many challenges of sustainable forest management according to their particular circumstances.**
2. The Commission for Sustainable Development (CSD), recognized the importance of continuing debate and discussion on forests beyond the Earth Summit and therefore, established the International Panel on Forest (IPF). The IPF produced a comprehensive Plan of Action for forests. This temporary body was replaced by another temporary body, the International Forum on Forests (IFF) to oversee implementation of the IPF's Plan of Action and to continue efforts to reach consensus on the need for and content of a legally binding instrument on forests. **The scope and scale of the activities identified by the IPF for action, and the establishment of the IFF, indicates that there is a need for permanent governing body for all types of forests, and that a legal framework could assist the international forest community promote and achieve sustainable forest management worldwide.**
3. Parties to the Convention on Biological Diversity (CBD) have discussed and debated forest biodiversity and have stated that the CBD has a clear role and mandate in issues of forest biodiversity. Parties have established lists of priorities for action, and in 1998, agreed to a Programme of Work on Forest Biological Diversity. Priority activities identified by the Parties have tended to focus on a better understanding of forest ecosystems, determining the negative impacts of human activities on forests, and conservation issues. **While Parties to the CBD have indicated that the CBD has a clear role in forest biodiversity matters, they have also recognized that issues related to forests must be dealt with in a comprehensive and holistic manner, including environmental, economic, and social values and issues. They have not indicated that they are prepared to address economic and social values and issues related to forests.**
4. The CBD is a legally binding international instrument that has been ratified by more than 170 countries and could provide a legally binding framework for all types of forests. The CBD has the potential to assist the global community address the conservation of forest biodiversity, the sustainable use of forest biological resources and the equitable sharing of benefits arising from the utilization of forest genetic resources. **However, when compared with the non-legally binding set of Forest Principles, the CBD was found to have extremely general provisions. This is**

illustrated by comparing Article 8(a) the CBD and Forest Principle 8(f). Article 8(a), commits Parties to establish protected areas where they are necessary to conserve biodiversity. This provision does not specify any targets, or recognize the value of a system of protected areas to represent a country's ecological diversity. The provision does not recognize the role of protected areas in contributing to the sustainable use of forest ecosystems, or the many values of forests as recreation, research, education and spiritual resources.

Forest Principles 8(f) promotes the need for forest protected areas for conservation and sustainable development purposes. It acknowledges the importance of protecting ecologically viable representative or unique examples of forests, including primary/old-growth forests, cultural, spiritual, historical, religious and other unique and valued forests of national importance.

The provisions of the CBD provide great flexibility as they are extremely general and non-sector specific. However, their general nature does not provide a comprehensive framework for sustainable forest management. The level of detail provided in the Forest Principles provides a more comprehensive framework for sustainable forest management than the CBD. This can be attributed at least in part to the sector-specific focus of the Forest Principles versus the non-sector approach of the CBD.

5. In addition too only providing very general provisions, the CBD does not address key aspects of sustainable forest management that have been identified by the international forest community. Several potential gaps in the CBD emerge when the provisions of the CBD are compared with the Forest Principles. That is, provisions of the CBD do not specifically cover several aspects and issues that relate to achieving sustainable forest management that are addressed in the Forest Principles. For example, the CBD does not address:
 - The impact of pollution on forests and ways and means to prevent or reduce pollution and impacts to forests;
 - The role sustainable intensification of forest ecosystems could play in achieving sustainable use of forest biological resources as part of an overall landscape management approach;
 - Economic sustainability and the role of market-based instruments in achieving sustainable use;
 - Achieving conservation and sustainable use by reducing demands on forest resources through substitution, recycling, and recovery of forest products;
 - The management of forest wastes as part of efforts to conserve forest ecosystems;
 - Criteria and indicators as measures of sustainable forest management; and

- The importance of land tenure in achieving the conservation and sustainable use of forests.
6. As a result of the very general provisions of the CBD, and potentially significant gaps in provisions to address key elements of sustainable forest management, **the CBD does not in itself provide a comprehensive framework for all types of forests. Therefore, the CBD may not significantly advance efforts to achieve sustainable forest management globally.**
 7. A forest protocol could be negotiated under the CBD to build on the requirements of the CBD and overcome any gaps to provide a legally binding comprehensive framework for forests. Article 28 *Adoption of Protocols*, of the CBD, provides for the establishment of protocols. There are no restrictions on the content or scope of protocols under the CBD, and therefore, a forest protocol could be sufficiently comprehensive and detailed to provide a clear understanding of the requirements of sustainable forest management.
 8. While it may be legally possible to establish a forest protocol under the CBD, this option may not be acceptable to Parties to the CBD, and may not be as successful in promoting global efforts to achieve sustainable forest management as other options. In particular, **the negotiation of a dedicated forest convention outside of the framework of the CBD, could be far more effective than a forest protocol under the CBD in achieving sustainable forest management worldwide.** Several factors must be considered in determining if a forest protocol under the CBD could effectively promote and support sustainable forest management, including:
 - The potential scope and content of a forest protocol is a key factor that must be examined to determine if a forest protocol under the CBD will serve as a comprehensive framework for sustainable forest management. There appears to be no legal impediments to developing a comprehensive forest protocol under the CBD. Thus, while it may be legally possible to develop a comprehensive forest protocol under the CBD, Parties to the CBD may not agree to a comprehensive forest protocol that would address economic and social aspects of sustainable forest management, in addition to forest biodiversity matters. Parties have in the past tended to focus most of their attention on environmental issues and some Parties may not accept any broadening of their mandate. Some Parties may not be willing to invest the necessary time and resources to develop a comprehensive forest protocol given the many other ecosystems and issues that require attention and resources. Parties to the CBD that do not have significant forest resources may see establishment of a comprehensive forest protocol under the CBD as providing an advantage to those countries with significant forest interests. They may resist development of a forest protocol or limit its scope, to ensure that other ecosystems such as coastal and marine, freshwater, and mountain ecosystems, and issues are not reduced in priority.

Parties to the CBD may have concerns that a forest protocol under the CBD would set a precedent that could result in the CBD being perceived as attempting to become the "control centre" for all matters related to biodiversity and biological resources. In the past, Parties have attempted to stimulate and promote activities within sectors, and complement existing activities by addressing specific biodiversity issues and gaps. Some Parties may fear that other sector specific protocols will be promoted in addition to the forest protocol, to bring all sectors under the CBD including: forests, agriculture, fisheries, mining, energy, etc. This approach would completely overburden the CBD and would not be well received by the many international organizations with sectoral responsibilities.

The support for, or resistance to a forest protocol by Parties to the CBD is unknown. **However, it is clear that associating an international agreement on forests with the CBD introduces a risk that the agreement may be rejected after significant time and resources have been invested in negotiations, or there is a risk that the protocol be limited in its scope to forest biodiversity matters only. Negotiation of an agreement on forests outside of the framework of the CBD would eliminate these risks.** Determining the level of the risk of the forest protocol being rejected by Parties or limited in scope, is beyond the scope of this assessment.

- The notion of effective governance is another key consideration in deciding the most appropriate international instrument for forests. If the international instrument for forest is to be effective, it must provide a focal point for the international forest community. The focal point or governing body *inter alia*; must provide a forum for debate and discussion; be responsible for developing international policies for forests and preparing programs of work; and monitor and report on the status of forests and forest biodiversity.

Parties to the CBD are currently addressing issues related to a variety of ecosystems and several sectoral and cross-sectoral topics. This results in extremely heavy agendas for meetings and means that all topics under consideration must compete for adequate time for discussion and debate. At the fourth meeting of the Conference of Parties to the CBD, held in 1998, there were at least 17 substantive topics under consideration. Some of the key topics included: National Reports, Indigenous Knowledge and advancement of Article 8j, the Clearinghouse Mechanism, the Financial Mechanism, Marine and Coastal Biodiversity, Agricultural Biodiversity, Forest Biodiversity, and Inland Water Ecosystems.

To increase time and debate for agenda items, contact or working groups are formed. While this increases time to discuss each subject, it has the unfortunate consequence of creating unbalanced groups. Developed countries with large delegations can participate in all groups, usually with one or more experts in each subject area. Developing countries, especially the least developed countries, often only have one or two delegates at the meetings. Consequently, they divide their

time among many groups and often find themselves in working groups discussing subjects that they have limited expertise in. This results in some working groups being dominated by delegates from developed countries, both in terms of numbers and levels of expertise.

Parties have attempted to focus discussions at their meetings by choosing one or two subject areas for each meeting. For example, forest biodiversity will be the ecological theme for the sixth meeting of the Conference of Parties to the CBD (COP6), in the year 2002. While this helps to focus discussion and debate and to some degree assists developing countries to choose their representative, it means that important subject areas like forests are only infrequently the focus of attention by Parties to the CBD. Parties meet every two years and have many ecosystems and issues to address, thus forests will not be the focal point for discussion under the CBD for many years after COP6.

Parties to the CBD will likely continue to contribute to the overall international agenda for forests by contributing to matters related to the conservation and sustainable use of forest biodiversity. **However, given the many commitments of Parties to the CBD and all the sectors and issues that they are addressing, the CBD will not provide an adequate focal point or governing body for all forest types and the many forest issues that have been identified by the international forest community. They will not be able to allocate sufficient time to address forests issues, or develop policies and establish priorities and programs of work for all matters related to forests.**

Parties to the CBD could establish an effective governing body for forests through the establishment of a forest protocol under the CBD, complete with its own Conference of Parties and Secretariat. However, the willingness of Parties to provide resources to establish a strong governing body for forests is unknown, and may not be acceptable to many Parties. The possible reasons for resisting the establishment of a strong global governing body for forests are the same reasons that Parties may resist development of a comprehensive protocol under the CBD, as described above. **Thus, associating a global agreement on forests with the CBD, introduces the risk that the agreement be relatively narrow in scope and not result in the creation of an effective international governing body for forest.**

- Another significant factor that should be considered in deciding to pursue a forest protocol under the CBD is timing. Negotiation of a forest protocol under the CBD would not be able to begin until Parties to the CBD agreed to investigate the need for and scope of such a protocol. The first time that Parties to the CBD could consider adopting a forest protocol is 2002, when forest biodiversity is the main ecological theme of the meeting. It is unlikely that Parties would agree to a forest protocol at this meeting, as this would be their first opportunity to discuss this potentially demanding task. Given their past mode of operation, Parties would probably ask their Executive Secretary to prepare a background paper on

the need for and scope of a forest protocol for consideration at COP7, in 2004. They would also likely seek the advice of their Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), to examine the scientific and technical merits of the proposed protocol. SBSTTA could report back to Parties to the CBD in 2004. **If Parties agreed to develop a forest protocol, negotiations could begin soon after the meeting. Assuming a two-year period for negotiation and one year to achieve the required number of ratification's, the forest protocol could come into force in 2007. Negotiation of an international instrument on forests outside of the CBD could result in the establishment of an instrument in a much shorter time period, as it would not need to be scheduled with the numerous activities of Parties to the CBD.**

- Consideration of the financial mechanism is another key factor in determining if a forest protocol under the CBD could serve as an effective international framework for forests. The interim financial mechanism for the CBD is the Global Environment Facility. Developing country Parties to the CBD are eligible for financial assistance to meet the agreed full incremental costs of adopting measures to fulfil the obligations contained in the CBD, provided there are potential global benefits.

The requirement for global benefits could significantly limit the effectiveness of the CBD's financial mechanism to support and promote sustainable forest management worldwide. Adoption of sustainable forest management practices will produce local and national benefits, but may not always provide global benefits. Many developing countries will require financial assistance to increase their capacity to implement sustainable forest management practices.

To avoid the limitation of incremental costs for global benefits, it may be necessary to establish a separate dedicated forest protocol fund for sustainable forest management projects, especially for projects that are limited to local and national benefits.

Establishing the necessary support for such a fund among all Parties to the CBD will be extremely challenging. Parties to the CBD in providing advice to the Global Environment Facility have made forest biodiversity one of the funding priorities. They have also made it clear that forest biodiversity is only one of many priorities, and thus, may not support creation of a separate fund dedicated to forests, especially if it appears to be giving special priority to forests.

If a separate fund for forests is not established, it will mean that all Parties to the CBD, including countries that do not have significant forest interests and have other funding priorities, will be involved in establishing priorities and the scope and scale of funding for forest initiatives. **Thus, associating a global instrument on forest with the CBD could restrict the scope for funding and overall priority for sustainable forest management initiatives.** It could also prevent the establishment of creative financial mechanisms that may be possible by

examining sector specific opportunities, such as the use of market-based incentives and instruments.

- Another very important consideration in determining if a forest protocol under the CBD will act as an comprehensive legal framework for sustainable forest management are the notions of ownership, buy-in and responsibility. These are somewhat intangible factors and are difficult to measure. However, ownership and buy-in to an international agreement on forests is essential to establish commitments, and share responsibility among all those with interests in forests for implementing sustainable forest management policies and programs. Ownership and buy-in will be optimized if the agreement and forum for discussion balances both sustainable use and conservation. If either of these two essential components of sustainable forest management dominate, overall interest and responsibility for implementing the agreement will be reduced.

Meetings of the Conference of Parties to the CBD are open to non-government organizations, and are well attended by non-governmental environmental organizations. However, they are relatively poorly attended by forest private sector interests. Efforts have been made by Parties to attract private sector interest in the CBD. Parties also attempt to ensure that their discussions address both conservation and sustainable use issues and measures. Unfortunately, sustainable use issues and measures have not enjoyed the same focus as conservation measures and issues within the CBD. This may be in part due to the fact that there are more conservation measures in the CBD, and they tend to be more specific in their requirements than the sustainable use provisions. The focus on conservation could also be attributed to the fact that Environment or Conservation Departments of Governments are generally the agencies with lead responsibilities for CBD matters, and the high level of participation by non-government conservation organizations in meetings and activities of Parties to the CBD.

If a forest protocol under the CBD is pursued, there will be a significant challenge in obtaining buy-in and ownership by the forest private sector. They may participate in negotiations, but could perceive their role to balance discussions in order to minimize negative economic impacts of decisions. That is, the forest private sector may participate in a defensive role, rather than a creative role, trying to build an agreement that maximizes private sector ownership and responsibility.

9. As stated above, a forest protocol under the CBD is a legal option to establish a binding comprehensive instrument for all types of forests. However several potential limitations were identified. Therefore, other options should be considered. The negotiation of a dedicated forest convention is a potential option and this analysis indicates there are several possible advantages of a dedicated forest convention over a forest protocol under the CBD. These advantages are described in the following sections:

- **A forest convention is more likely to address all of the elements of sustainable forest management than a forest protocol under the CBD. A dedicated forest convention would not be constrained by the provisions of the CBD, or the willingness of Parties to the CBD to develop a comprehensive forest protocol that goes beyond the current scope of the CBD. Provisions in a dedicated forest convention could address the full-range of topics that are related to forests and forest issues and could be sufficiently detailed to provide a solid foundation to advance global efforts to achieve sustainable forest management.** Negotiation of a forest protocol under the CBD would be open to all Parties to the CBD, including countries that do not have significant interests in forests. Countries without significant forest interest may resist a focus on forests and forest issues within the framework of the CBD, fearing that this would reduce financial resources and time for debate and discussion on other important ecosystems.

Negotiation of a dedicated forest agreement apart from the CBD would prevent any sort of competitive atmosphere that could influence the scope and detail of a forest protocol under the CBD.

- **Another potential advantage of a dedicated forest convention versus a forest protocol under the under the CBD, is that a dedicated forest convention could probably be in place in a much shorter period of time than a forest protocol.** The reason for this is that negotiation of a forest convention could begin several years before negotiation of a forest protocol under the CBD. The Commission for Sustainable Development, based on the outcome of the IFF, could establish a body to begin negotiation of a forest convention in the year 2000. If negotiations were completed in two-years and if sufficient Parties ratified the forest convention, the convention could come into force by the year 2003. As stated previously, negotiation of a forest protocol under the CBD would likely not begin until at least the year 2004 and probably take until 2007 to come into force.
- **Another potential advantage of a dedicated forest convention is that it may be more successful in attracting political support and financial resources than a forest protocol.** A dedicated forest convention could attract significant attention from both governments and the private sector. Establishment of a forest convention could be a significant political event that results in additional financial commitments. Private sector forest interests may be more attracted to a forest convention, which they may perceive as a more balanced approach to the use and conservation of forest resources, than a forest protocol under the CBD. A forest convention would not need to be constrained by the notion of global benefits that CBD funded projects are assessed for. **Greater involvement of the forest private sector could also result in the establishment of creative financing mechanisms and greater private sector investment in sustainable forest management, especially in developing countries.**
- **The final potential advantage of a dedicated forest convention is that it may be more successful than a forest protocol under the CBD, in achieving the greatest**

level of buy-in or ownership among all parties with interests in forests. Prior to the Earth Summit in 1992, many of the industrialized nations supported a dedication forest convention. In Canada, there was wide spread support for a forest convention among governments, environment groups and private sector forest interests. Since the Earth Summit, many environmental organizations within and outside Canada have promoted a forest protocol under the CBD. However, it is not certain that a forest protocol under the CBD would attract the interests of the forest industry, as the CBD to date has not attracted significant interests within the private sector. The CBD may be perceived by the private sector as an environmental agreement rather than a sustainable development agreement. A forest convention would likely have a better chance than a forest protocol under the CBD of being viewed as a sustainable development convention, and therefore is more likely to attract the forest private sector. This is crucial. If a forest protocol under the CBD fails to engage the forest private sector, its effectiveness as an international framework for sustainable forest management will be compromised.

It is also important that non-government conservation organizations take ownership and responsibility for any forest agreement. While many of these groups have recently indicated a preference for a forest protocol under the CBD rather than a forest convention, their ownership and buy-in to a forest convention will likely be attained provided there is a commitment to the conservation of forests and forest biodiversity within the agreement. **That is, the forest convention must incorporate and build on the conservation aspects of the CBD.**

Predicting which mechanism, a forest protocol under the CBD or a dedicated forest convention, will achieve the greatest level of ownership and buy-in is a matter of speculation. However, it is relatively safe to predict that a balance between a focus on the conservation of forest biodiversity and sustainable use of forest biological resources must be achieved in order to attract the broadest range of stakeholders. This balance has not yet been achieved in matters under discussion at Conferences of Parties to the CBD, including discussions and debate related to forest biodiversity. Furthermore, the CBD has so far attracted a much higher level of interest and ownership among environment/conservation non-government organizations than among private sector forest interests. Thus, a dedicated forest convention may provide a better mechanism to attract the broadest range of participants that have interests in forests.

10. In summary, this study examined the potential and limitations of the CBD to provide a comprehensive legal framework for achieving sustainable forest management worldwide. **The analysis indicates that the CBD, in its current form, would not provide a comprehensive legal framework for sustainable forest management.** Two options were considered to establish a comprehensive legal framework for forests; a forest protocol under the CBD, and a dedicated forest convention.

It appears that it is legally possible to develop a comprehensive forest protocol under the CBD to overcome gaps and elaborate on the very general provisions of the

Convention. While it is possible to create a legally binding comprehensive forest protocol under the CBD, the analysis did not find any advantages to a forest protocol versus a dedicated forest convention. Several potential disadvantages were uncovered. **The principle disadvantages are that linking the forest protocol to the CBD could limit the scope and detail of the agreement, and not provide an adequate forum to ensure the effective governance of the agreement.** Some Parties to the CBD, may not accept the responsibility for a comprehensive forest protocol, as this could affect their future role and mandate and be seen to be giving priority to forest ecosystems, over other ecosystems. Moreover, the capacity of Parties to the CBD to provide the governing body for forests is extremely limited given many other commitments.

Some proponents of a forest protocol under the CBD have argued that any gaps in the CBD or lack of detail in CBD provisions could be overcome through a comprehensive protocol. However, proponents of a forest protocol have not generally examined the need for an effective governing body. This is a very important factor that must be considered in deciding among the options for a global instrument on forests.

While it is possible that the governance over the forest protocol could be provided by Parties to the forest protocol; and that the forest protocol could have its own secretariat and financial mechanism, it is far from certain that all Parties to the CBD would agree to such a focus. Establishment of comprehensive forest protocol under the CBD with a separate governing body would essentially establish a convention within a convention. While this appears to be legally possible, it is difficult to understand the logic in initiating an international mechanism on forests within the legal framework of the CBD only to then separate the agreement from the CBD by establishing its own governing body, secretariat and financial mechanism. If a separate or dedicated mechanism for forests with its own governing body is the desired outcome, why not begin with a process that will ensure that this is achieved. **Negotiation of a forest agreement within the framework of the CBD introduces the risk of not achieving agreement for the instrument, or could narrow the agreement to forest biodiversity issues and measures. This is an unnecessary risk that would be avoided by negotiating a forest convention outside of the framework of the CBD.**

A forest convention is also more likely to be effective in attracting the private sector than a forest protocol under the CBD. A forest protocol under the CBD could be perceived as strictly a conservation agreement with the goal to protect forests, rather than a conservation and sustainable use agreement that is intended to promote sustainable development. The private sector is far more likely to be engaged in and participate in a positive manner in an agreement that promotes the sustainable development of forests, than a strictly conservation agreement.

Finally, in conducting this analysis, resistance to a dedicated forest convention by some environment groups appears to be motivated by fears that a forest convention

would be driven by development interests, without adequate consideration for conservation. To gain the support of conservation organizations, governments will need to ensure that any forest instrument contains a strong commitment to conservation. Governments that have ratified the CBD will be able to indicate that they have already pledged their commitment to the conservation of forests and forest biodiversity, as ratification of a forest convention will not in any way negate their responsibilities for implementing the provisions in the CBD.

Annex I

A) To what extent were forests and forest issues considered in the negotiation of the CBD?

There was no emphasis on forests or any other ecosystem (marine, freshwater, mountain, etc.); or any particular sector (forestry, mining, agriculture, etc) during negotiation of the Convention on Biological Diversity (CBD). The only place that forests are mentioned in CBD is in the Declaration of Malawi, which notes the importance of involving local communities in the management of forest reserves.

Even though there was no emphasis on forests during international negotiations of the CBD, forest issues were under consideration during sessions held to assist Canada's preparation for CBD negotiating sessions. The Canadian forest community was well represented in both national consultation processes, and forest representatives from industry and environmental groups were included in Canada's delegation to CBD negotiations.

While no particular emphasis was placed on forest issues during negotiation of the CBD, it would be unfair to suggest that they were ignored. Rather, the CBD reflects the view that what was needed was a general biodiversity agreement that would allow countries to define and address their own issues through development of national sectoral and cross-sectoral strategies, policies and programs. All of the Articles in the CBD that address conservation of biodiversity and sustainable use of biological resources are applicable to forest ecosystems. For example, Article 7 Identification and Monitoring, requires Parties to identify and monitor their biodiversity, noting the importance of high diversity ecosystems, ecosystems with large numbers of endemic or threatened species, wilderness areas; areas required by migratory species; areas of social, economic, cultural or scientific importance; or areas which are representative, unique or associated with key evolutionary or other biological processes. Forest ecosystems fall into many of these categories. Article 8(h) alien species, Article 8(k) threatened species and populations and Article 10 Sustainable Use, can all be applied to forest ecosystems.

In summary, while the CBD does not make specific mention of forests or address specific forest issues, the general provisions of the CBD can be applied to forests and forest issues. However, in most cases, the general provisions of the CBD would need to be elaborated on to provide a comprehensive framework for forests. Also, because forests were not the focus of negotiation, the CBD does not have provisions for all of the key aspects of sustainable forest management. These potential gaps are described in Annex II, Annex IV and Annex VI of this report.

Annex II

B) To what extent do CBD provisions address key forest values as articulated in the UNCED Forest Principles and do gaps exist?

To address this question, the Forest Principles are presented below and comparisons between them and the Convention on Biological Diversity (CBD) are provided.

THE NON-LEGALLY BINDING AUTHORITATIVE STATEMENT OF PRINCIPLES FOR A GLOBAL CONSENSUS ON THE MANAGEMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT OF ALL TYPES OF FORESTS

PREAMBLE

(a) The subject of forests is related to the entire range of environmental and development issues and opportunities, including the right to socio-economic development on a sustainable basis.

(b) The guiding objective of these principles is to contribute to the management, conservation and sustainable development of forests and to provide for their multiple and complementary functions and uses.

(c) Forestry issues and opportunities should be examined in a holistic and balanced manner within the overall context of environment and development, taking into consideration the multiple functions and uses of forests, including traditional uses, and the likely economic and social stress when these uses are constrained or restricted, as well as the potential for development that sustainable forest management can offer.

(d) These principles reflect a first global consensus on forests. In committing themselves to the prompt implementation of these principles, countries also decide to keep them under assessment for their adequacy with regard to further international cooperation on forest issues.

(e) These principles should apply to all types of forests, both natural and planted, in all geographical regions and climatic zones, including austral, boreal, sub-temperate, temperate, subtropical and tropical.

(f) All types of forests embody complex and unique ecological processes which are the basis for their present and potential capacity to provide resources to satisfy human needs as well as environmental values, and as such their sound management and conservation is of concern to the Governments of the countries to which they belong and are of value to local communities and to the environment as a whole.

(g) Forests are essential to economic development and the maintenance of all forms of life.

(h) Recognizing that the responsibility for forest management, conservation and sustainable development is in many States allocated among federal/national, state/provincial and local levels of government, each State, in accordance with its constitution and/or national legislation, should pursue these principles at the appropriate level of government.

There is considerable overlap between the Preambles of the CBD and the Forest Principles. Both recognize the sovereign right of nations over their biological resources; they recognize the ecological, social, cultural and economic values of biological resources; they emphasize the need for holistic or cross-sectoral and sectoral management approaches; and both acknowledge the importance of biological resources to indigenous and local people.

There are also some significant differences between the two Preambles. The CBD stresses the importance of international, regional and global cooperation. There is no mention of roles and responsibilities of sub-national governments in the CBD. Whereas, in the Preamble to the Forest Principles, there is recognition that management responsibility for forests may rest with various levels of government within a country.

The CBD Preamble emphasizes the importance of national habitats and the importance of maintaining or enhancing viable populations in their natural surrounding. The Preamble contained in the Forest Principles recognizes the importance of all types of forests, both natural and planted, in all geographical regions and climatic zones. Emphasizing the importance of all types of forests, not only natural habitats, is a very significant difference.

Perhaps the greatest difference between the two Preambles is that the Preamble contained in the CBD provides the context for a legally binding set of commitments, whereas, the Forest Principles are non-legally binding.

PRINCIPLES/ELEMENTS

1(a). States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

This is consistent with the CBD, in fact it is the same text as Article 3 of the CBD.

1(b). The agreed full incremental cost of achieving benefits associated with forest conservation and sustainable development requires increased international cooperation and should be equitably shared by the international community.

The CBD contains commitments for new and additional financial resources for developing countries (Article 20(2)) to meet the agreed full incremental costs to developing countries to fulfil the obligations of the CBD.

2(a). States have the sovereign and inalienable right to utilize, manage and develop their forests in accordance with their development needs and level of socio-economic development and on the basis of national policies consistent with sustainable development and legislation, including the conversion of such areas for other uses within the overall socio-economic development plan and based on rational land-use policies.

This is consistent with the view expressed in the CBD that nations have the right to use their resources in a sustainable manner, and the view that poverty eradication is the first and overriding priority of developing countries (Preamble of the CBD and Article 3 Principle).

2(b). Forest resources and forestlands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual needs of present and future generations. These needs are for forest products and services, such as wood and wood products, water, food, fodder, medicine, fuel, shelter, employment, recreation, habitat for wildlife, landscape diversity, carbon sinks and reservoirs, and for other forest products. Appropriate measures should be taken to protect forests against harmful effects of pollution, including air-borne pollution, fires, pests and diseases, in order to maintain their full multiple value.

This is consistent with the view expressed in the CBD that nations have the right to use their resources in a sustainable manner. However, this Principle is expressed in greater detail in terms of forest values and threats than in any Article of the Convention. The higher level of detail provided in the Forest Principles is possible because of the focus on forests. The CBD also tends to focus on the importance of conserving ecosystems in order to maintain biodiversity, rather than emphasize the multiple benefits of ecosystems and thus the need to conserve ecosystem to maintain multiple benefits.

2(c). The provision of timely, reliable and accurate information on forests and forest ecosystems is essential for public understanding and informed decision-making and should be ensured.

This is consistent with Article 13 (Public Education and Awareness) and Article 17 (Exchange of Information) of the CBD. However, there is no specific requirement in the CBD for the provision of information on forests and forest ecosystems.

2(d). Governments should promote and provide opportunities for the participation of interested parties, including local communities and indigenous people, industries, labour, non-governmental organizations and individuals, forest dwellers and women, in the development, implementation and planning of national forest policies.

This is consistent with Articles 6(a) and (b), 8(j), and 10(c), (d) and (e) of the CBD.

3(a). National policies and strategies should provide a framework for increased efforts, including the development and strengthening of institutions and programmes for the management, conservation and sustainable development of forests and forest lands.

This is consistent with Articles 6(a) and (b), 8, and 10 of the CBD.

3(b). International institutional arrangements, building on those organizations and mechanisms already in existence, as appropriate, should facilitate international cooperation in the field of forests.

This is consistent with Article 5 (Cooperation) and Article 22 (Relationship with Other International Conventions), of the CBD.

3(c). All aspects of environmental protection and social and economic development as they relate to forests and forest lands should be integrated and comprehensive.

This is consistent with Articles 6(B), 10(a) and (b), 14 (a) and (b) of the CBD.

4. The vital role of all types of forests in maintaining the ecological processes and balance at the local, national, regional and global levels through, inter alia, their role in protecting fragile ecosystems, watersheds and freshwater resources and as rich storehouses of biodiversity and biological resources and sources of genetic material for biotechnology products, as well as photosynthesis, should be recognized.

This is consistent with the intent of the CBD, but contains more specific text than is generally found in the CBD.

5(a). National forest policies should recognize and duly support the identity, culture and the rights of indigenous people, their communities and other communities and forest dwellers. Appropriate conditions should be promoted for these groups to enable them to have an economic stake in forest use, perform economic activities, and achieve and maintain cultural identity and social organization, as well as adequate levels of livelihood and well-being, through, inter alia, those land tenure arrangements which serve as incentives for the sustainable management of forests.

This is consistent with the intent of the CBD especially Article 8(j) and 10 (c), but contains more specific text than is generally found in the CBD. The CBD also acknowledges the importance of local communities in addition to indigenous communities, but does not address land tenure arrangements.

5(b). The full participation of women in all aspects of the management, conservation and sustainable development of forests should be actively promoted.

This is consistent with the following statement found in the Preamble of the CBD. The Contracting Parties, recognizing also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation.

6(a). All types of forests play an important role in meeting energy requirements through the provision of a renewable source of bio-energy, particularly in developing countries, and the demands for fuelwood for household and industrial needs should be met through sustainable forest management, afforestation and reforestation. To this end, the potential contribution of plantations of both indigenous and introduced species for the provision of both fuel and industrial wood should be recognized.

The CBD does not make any specific reference to biological resources as sources of energy. This is a significant gap in the CBD in terms of it providing a framework for sustainable forest management.

The CBD does not address the benefits of alien species, and modified habitats such as plantations. During development of the Focused Programme of Work on Forests Biological Diversity, some countries attempted to exclude plantation forests. Forest intensification is a key element in overall efforts to achieve sustainable forest management in many countries but is not addressed in the CBD. This is a significant gap.

6(b). National policies and programmes should take into account the relationship, where it exists, between the conservation, management and sustainable development of forests and all aspects related to the production, consumption, recycling and/or final disposal of forest products.

There is no mention of addressing production, consumption, recycling, and final disposition of products related to the use of biological resources in the CBD. Reduction, recycling and management of wastes are inherent in the context of sustainable use, but have not been articulated specifically in Articles of the CBD related to sustainability. This is a significant gap in the CBD in terms of it providing a framework for sustainable forest management.

6(c). Decisions taken on the management, conservation and sustainable development of forest resources should benefit, to the extent practicable, from a comprehensive assessment of economic and non-economic values of forest goods and services and of the environmental costs and benefits. The development and improvement of methodologies for such evaluations should be promoted.

This is consistent with the intent of the CBD especially Article 7 (Identification and Monitoring) and Annex I, and Article 11 (Incentives), but contains more specific text than is generally found in the CBD. Parties to the CBD have indicated the need for research to improve methods to assess the value of biological resources and ecological services.

6(d). The role of planted forests and permanent agricultural crops as sustainable and environmentally sound sources of renewable energy and industrial raw material should be recognized, enhanced and promoted. Their contribution to the maintenance of ecological processes, to offsetting pressure on primary/old-growth forest and to providing regional employment and development with the adequate involvement of local inhabitants should be recognized and enhanced.

The CBD does not make any specific reference to biological resources as sources of energy and does not make explicit reference to the role that intensification of forest ecosystems could play in achieving sustainable use and conservation objectives. These are significant gaps in the CBD in terms of it providing a framework for sustainable forest management.

6(e). Natural forests also constitute a source of goods and services, and their conservation, sustainable management and use should be promoted.

This is consistent with the overall intent of the CBD. Several Articles of the CBD address the need for conservation and sustainable use, especially Articles 7, 8 and 10.

7(a). Efforts should be made to promote a supportive international economic climate conducive to sustained and environmentally sound development of forests in all countries, which include, inter alia, the promotion of sustainable patterns of production and consumption, the eradication of poverty and the promotion of food security.

This is consistent with the overall intent of the CBD, Article 5 Cooperation, and Articles that address the need for economic and environmental integration, most notably Article 11. Article 10 (c) also relates this need by promoting cooperation between governments and the private sector. As previously indicated, eradication of poverty is recognized in the CBD as the first and overriding priority of developing countries. The CBD does not however, provide provisions that address economic sustainability. This is a significant gap in the CBD in terms of it providing a framework for sustainable forest management, especially considering that international policies can significantly influence the use of forest resources.

7(b). Specific financial resources should be provided to developing countries with significant forest areas, which establish programmes for the conservation of forests including protected natural forest areas. These resources should be directed notably to economic sectors, which would stimulate economic and social substitution activities.

Providing financial resources to developing countries is consistent with the CBD, especially Articles 8(m) and 20. There is no specific mention in the CBD of providing resources to the economic sectors to stimulate substitution activities.

8(a). Efforts should be undertaken toward the greening of the world. All countries, notably developed countries, should take positive and transparent action toward reforestation, afforestation and forest conservation, as appropriate.

There is no specific mention of reforestation, afforestation and forest conservation in the CBD. However, Article 8(f) calls for the rehabilitation and restoration of degraded ecosystems.

8(b). Efforts to maintain and increase forest cover and forest productivity should be undertaken in ecologically, economically and socially sound ways through the rehabilitation, reforestation and re-establishment of trees and forests on unproductive, degraded and deforested lands, as well as through the management of existing forest resources.

Article 8(f) of the CBD is consistent with this Principle, as it requires Parties to rehabilitate and restore degraded ecosystems. Article 8(f) does not require that reclamation should be ecologically, economically and socially sound. The CBD does not specifically state the need for ecologically, economically and socially sound reclamation efforts.

8(c). The implementation of national policies and programmes aimed at forest management, conservation and sustainable development, particularly in developing countries, should be supported by international financial and technical cooperation, including through the private sector, where appropriate.

This principle goes beyond the CBD. Financial support to assist developing countries meet the obligations of the CBD are limited to providing incremental costs for global benefits. Therefore, national forest policies and programmes may not be supported under the CBD financial mechanism, unless there was a global benefit.

8(d). Sustainable forest management and use should be carried out in accordance with national development policies and priorities and on the basis of environmentally sound national guidelines. In the formulation of such guidelines, account should be taken, as appropriate and if applicable, of relevant internationally agreed methodologies and criteria.

Articles 10 (a) and (b) of the CBD are consistent with this principle, but do not specify the need for guidelines, or account for international methodologies and criteria.

8(e). Forest management should be integrated with management of adjacent areas so as to maintain ecological balance and sustainable productivity.

Articles 8(c), (d) and (e) of the CBD are consistent with this principle.

8(f). National policies and/or legislation aimed at management, conservation and sustainable development of forests should include the protection of ecologically viable representative or unique examples of forests, including primary/old-growth forests, cultural, spiritual, historical, religious and other unique and valued forests of national importance.

Articles 8(a), and (b) of the CBD relate to the need for protected areas and are consistent with this principle. However, this principle is more detailed than the two Articles. The Principle is also broader in scope relating the need for conserving forest ecological, social, cultural and economic values. Protected areas under the CBD are only required as a means to conserve biodiversity. Annex I of the CBD does indicate the need to identify and monitor biodiversity having ecological, social, cultural and economic values, but does not indicate the need for any specific conservation activities or priorities. Thus, Forest Principle 8(f) provides a better framework to establish a comprehensive and representative system of forest protected areas than the CBD.

Principle 8(f) illustrates the higher level of detail that is possible in an international agreement that is focused on a particular sector, as opposed to the non-sector CBD. It also illustrates how CBD Articles will need to be elaborated on through protocols and annexes if the CBD is to serve as an effective framework for sustainable forest management.

8(g). Access to biological resources, including genetic material, shall be with due regard to the sovereign rights of the countries where the forests are located and to the sharing on mutually agreed terms of technology and profits from biotechnology products that are derived from these resources.

Articles 15 and 16 of the CBD are consistent with this Principle. The CBD is providing an international legal framework to promote sharing of benefits derived from the use of genetic resources, and commits Parties to obtain prior and informed consent before they use another Parties genetic resources.

8(h). National policies should ensure that environmental impact assessments should be carried out where actions are likely to have significant adverse impacts on important forest resources, and where such actions are subject to a decision of a competent national authority.

Article 14 (Impact Assessment and Minimizing Adverse Impacts) of the CBD is consistent with this Principle, especially sub-articles (a) and (b).

9(a). The efforts of developing countries to strengthen the management, conservation and sustainable development of their forest resources should be supported by the international community, taking into account the importance of redressing external indebtedness, particularly where aggravated by the net transfer of resources to developed countries, as well as the problem of achieving at least the replacement value of forests through improved market access for forest products, especially processed products. In this respect, special attention should also be given to the countries undergoing the process of transition to market economies.

The provisions of the CBD that address developed country assistance to support developing countries to achieve the requirements of the CBD are consistent with this Principle. However, the CBD does not address foreign debt and market forces or access to markets. These are significant gaps in the CBD in terms of it providing a framework for sustainable forest management.

9(b). The problems that hinder efforts to attain the conservation and sustainable use of forest resources and that stem from the lack of alternative options available to local communities, in particular the urban poor and poor rural populations who are economically and socially dependent on forests and forest resources, should be addressed by Governments and the international community.

However, the CBD does not address the underlying causes of the loss of biodiversity and unsustainable use of resources (over-population, over-consumption, poverty, etc.). Thus, poverty and its effect on the sustainable use of biological resources are not specifically addressed in the CBD. The importance of local and indigenous communities in the conservation of biodiversity and the sustainable use of biological resources is acknowledged and relates to this Principle.

9(c). National policy formulation with respect to all types of forests should take account of the pressures and demands imposed on forest ecosystems and resources from influencing factors outside the forest sector, and intersectoral means of dealing with these pressures and demands should be sought.

Article 6(b) of the CBD is consistent with this Principle. Article 6(b) promotes the need to integrate conservation and sustainable use of biological diversity into relevant sectoral and cross-sectoral plans, programmes and policies. The CBD also requires Parties to prepare national strategies, plans or programmes, (Article 6(a), which

should address both issues within the forest sector and influences outside of the forest sector that impact forest.

10. New and additional financial resources should be provided to developing countries to enable them to sustainably manage, conserve and develop their forest resources, including through afforestation, reforestation and combating deforestation and forest and land degradation.

Article 20(2), requires developed countries to provide new and additional financial resources to enable developing countries to meet the agreed full incremental costs to them of implementing measures contained in the CBD. The Global Environment Facility is the interim financial mechanism for the CBD and has provided funding to countries for forest biodiversity projects. Principle 10 does not contain a requirement for global benefits as the CBD requires. The Principle appears to support the view that financial resources should be made available to countries to sustainably manage, conserve and develop their forest resources even when there are only local and national benefits. Restricting the provision of funds to projects that provide global benefits, will reduce the effectiveness of the CBD as a global instrument to promote and achieve sustainable forest management.

11. In order to enable, in particular, developing countries to enhance their endogenous capacity and to better manage, conserve and develop their forest resources, the access to and transfer of environmentally sound technologies and corresponding know-how on favourable terms, including on concessional and preferential terms, as mutually agreed, in accordance with the relevant provisions of Agenda 21, should be promoted, facilitated and financed, as appropriate.

Article 16 (Access to and Transfer of Technology) is consistent with this Principle. The Article requires the transfer among Parties of environmental sound technologies that are relevant to the conservation and sustainable use of biodiversity or make use of genetic resources. The Article requires that access to and transfer of technology to developing countries be provided and/or facilitated under fair and most favorable terms, but does mention that it should be financed where appropriate.

12(a). Scientific research, forest inventories and assessments carried out by national institutions which take into account, where relevant, biological, physical, social and economic variables, as well as technological development and its application in the field of sustainable forest management, conservation and development, should be strengthened through effective modalities, including international cooperation. In this context, attention should also be given to research and development of sustainably harvested non-wood products.

The CBD is consistent with this Principle in that it requires identification and monitoring of biological diversity (Article 7), and requires research and training and international cooperation to promote scientific advances (Article 12). The CBD is not as specific as the Principle in what should be researched.

12(b). National and, where appropriate, regional and international institutional capabilities in education, training, science, technology, economics, anthropology and social aspects of forests and forest management are essential to the conservation and sustainable development of forests and should be strengthened.

The CBD is consistent with this Principle, but is not as specific as the Principle in what should be strengthened. The CBD does not specifically mention the need to strengthen institutional capacity.

12(c). International exchange of information on the results of forest and forest management research and development should be enhanced and broadened, as appropriate, making full use of education and training institutions, including those in the private sector.

Article 17 of the CBD is consistent with this Principle, promoting both sharing of public information and the exchange of the technical and scientific research, specialized knowledge and indigenous and traditional knowledge. Also, Article 18(3) requires Parties to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

12(d). Appropriate indigenous capacity and local knowledge regarding the conservation and sustainable development of forests should, through institutional and financial support and in collaboration with the people in the local communities concerned, be recognized, respected, recorded, developed and, as appropriate, introduced in the implementation of programmes. Benefits arising from the utilization of indigenous knowledge should therefore be equitably shared with such people.

Article 8(j) of the CBD is consistent with this Principle. Indigenous and local knowledge is a key area of activity under the CBD. Indigenous people have been involved in advancing this Article. However, there is no mention in the CBD of the need to strengthen institutions for indigenous and local communities or financially support them.

13(a). Trade in forest products should be based on non-discriminatory and multilaterally agreed rules and procedures consistent with international trade law and practices. In this context, open and free international trade in forest products should be facilitated.

The CBD does not contain any provisions with respect to trade or the need for laws and practices to guide international trading of biological resources. Parties to the CBD tend to refer trade and biodiversity related matters to appropriate international trade organizations.

13(b). Reduction or removal of tariff barriers and impediments to the provision of better market access and better prices for higher value-added forest products and their local processing should be encouraged to enable producer countries to better conserve and manage their renewable forest resources.

The CBD does not contain any provisions with respect to tariff barriers or make reference to the need to remove impediments to improve market access to biological resources. The CBD refers trade and biodiversity related matters to appropriate international trade organizations. Parties to the CBD have not attempted to address the impact of trade on biodiversity themselves. Parties to the CBD have not yet examined market-based mechanisms for achieving conservation and sustainable use objectives.

13(c). Incorporation of environmental costs and benefits into market forces and mechanisms, in order to achieve forest conservation and sustainable development, should be encouraged both domestically and internationally.

The CBD does not directly address environmental costs and benefits or the use of market forces to achieve conservation and sustainable use. It does however, promote establishment of incentive measures (Article 11), both economically and socially sound measures. Article 10(e) also promotes the need to involve the private sector in developing methods for sustainable use of biological resources.

13(d). Forest conservation and sustainable development policies should be integrated with economic, trade and other relevant policies.

Article 6(b) of the CBD requires the integration of sectoral and cross-sectoral plans, programmes and policies, and is therefore consistent with this Principle, but specifically does not mention economic and trade policies.

13(e). Fiscal, trade, industrial, transportation and other policies and practices that may lead to forest degradation should be avoided. Adequate policies, aimed at management, conservation and sustainable development of forests, including, where appropriate, incentives, should be encouraged.

Article 11 (Incentive Measures) is consistent with this Principle.

14. Unilateral measures, incompatible with international obligations or agreements, to restrict and/or ban international trade in timber or other forest products should be removed or avoided, in order to attain long-term sustainable forest management.

The CBD does not contain any provisions with respect to international trade measures or make reference to any relationship between trade and the sustainable use of biological resources. The CBD refers trade and biodiversity related matters to appropriate international trade organizations.

15. Pollutants, particularly air-borne pollutants, including those responsible for acidic deposition, that are harmful to the health of forest ecosystems at the local, national, regional and global levels should be controlled.

The CBD does not contain any specific provisions with respect to pollutants. However, Article 7 (c) requires Parties to identify processes or categories of activities that have or are likely to have significant adverse impacts on biodiversity, and monitor their effects. Article 8(f) promotes the need to restore degraded ecosystems, which is consistent with the need to address the harmful impacts of pollutants.

Pollution is an extremely important forest issue, and not having any provisions in the CBD that specifically address pollution, leaves a significant gap in the CBD in terms of it providing a framework for sustainable forest management.

Summary:

The results of the comparison between the non-binding Forest Principles and the provisions of the CBD can be summarized in the following two points:

- **There are several Forest Principles that address key forest issues, which are not addressed in the CBD (pollution control, sustainable intensification, market-based measures to promote and achieve conservation and sustainable use, land tenure issues, fire and pest management, life-cycle monitoring of products and wastes, ways and means to reduce demands on resources, and the effects of international policies and programs on national efforts to achieve conservation and sustainable use goals and objectives); and**
- **Most of the Forest Principles are more explicit than the conservation and sustainable use Articles of the CBD. This can be attributed to the focus on forests versus the non-sector approach used to develop the CBD. The greater level of detail provided in the Forest Principles provides a more clear understanding of the requirements of sustainable forest management than the general provisions of the CBD. The level of detail provided within the Forest Principles could provide a good basis for negotiating a comprehensive legally binding instrument for all types of forests.**

Annex III

C) How successful has the CBD been to date in providing effective governance of the international forest agenda and in developing a common international agenda for action for the forest sector?

To provide a context to answer this question, background information is provided on the intent of the CBD, and past discussions and decisions by Parties to the CBD that have contributed to the establishment of an international forest agenda.

Background:

The intent of the CBD is to provide a framework for the conservation of biodiversity, the sustainable use of biological resources and the equitable sharing of benefits arising from the use of genetic resources. It is truly a framework convention in that there are no specific targets, priorities or lists. Most of the provisions of the CBD are expressed as overall goals and desirable policies for countries, with actions being undertaken at the national level. Given the focus at the national level, most of the decisions that emerge from Conference of Parties tend to set loose agendas for Parties themselves, and are often vague in terms of international activities. The CBD is a general conservation and sustainable use treaty and does not contain any sector-specific obligations.

Despite a focus on national activities, Parties to the CBD have attempted to contribute to the international agenda for forests in a number of subject areas. Forest biodiversity has been the subject of discussion and debate during several Conferences of Parties (COP2, COP3 and COP4). Forest biodiversity was also discussed during the second and third meetings of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). Forest biodiversity was selected at COP4 to be the ecological theme for COP6, which will take place in 2002.

During COP2, which was held in 1995 at Jakarta, Indonesia, Parties developed a statement on forest biodiversity and transmitted it to Intergovernmental Panel on Forests (IPF). They also, requested the Executive Secretary to provide advice and information pertaining to the relationship between indigenous and local communities and forests, as invited by the IPF. Parties further requested the Executive Secretary to prepare a paper on the links between forests and biodiversity, for them to consider at their third meeting.

In 1996, SBSSTA reviewed a paper prepared by the Executive Secretary on linkages between forests and biological and made recommendations to the COP with regard to what additional inputs should be sent to the IPF.

SBSTTA also identified the following eight research and technical priorities:

- Building the scientific foundation and methodologies necessary to advance the elaboration and implementation of criteria and indicators for forest quality and biodiversity conservation as part of sustainable forest management;
- Analyzing the role of biodiversity in forest ecosystem functioning;
- Analyzing measures for mitigating the underlying causes of biodiversity loss;
- Advancing scientific and technical approaches to (i) rehabilitating degraded and deforested ecosystems and (ii) enriching biodiversity in forest plantations;
- Identifying gaps in knowledge in the areas of fragmentation and population viability, to include mitigation options such as corridors and buffer zones;
- Assessing ecological landscape models, the integration of protected areas in the ecosystem approach to sustainable forest management and the representativeness and adequacy of protected areas networks;
- Analyzing scientifically the ways in which human activities, in particular forest management practices, influence biodiversity and assessing ways to minimize or mitigate negative influences; and
- Developing assessment and evaluation methodologies for the multiple benefits derived from forest biodiversity.

During COP3, Parties reaffirmed that the CBD had a clear role and mandate in issues of forest biodiversity. They requested the Executive Secretary to explore ways and means to cooperate with the IPF, and further requested the Executive Secretary to prepare a focused work programme for forest biodiversity, for consideration at COP4. Parties requested SBSTTA to contribute advice on the draft programme of work. Parties also directed SBSTTA to advance its scientific, technical and technological consideration of forest biodiversity in the following research areas:

- Methodologies necessary to advance the elaboration and implementation of criteria and indicators for the conservation of biological diversity as part of sustainable forest management;
- Scientific analysis of the ways in which human activities, in particular forest management practices, influence biological diversity, and assessment of ways to minimize or mitigate negative influences.

To assist the Executive Secretary prepare a draft programme of work on forest biological diversity, a meeting of a Liaison Group of Forest Biological Diversity was convened in

1997. The Liaison Group generated numerous recommendations and identified many priorities (Subsidiary Body on Scientific, Technical and Technological Advice. 1997. **Report of the Meeting of the Liaison Group on Forest Biological Diversity 25 to 28 May 1997.** Helsinki, Finland UNEP/CBD/SBSTTA/3/Inf.5).

Taking into consideration the past discussions at meetings of the COP and the SBSTTA, and the output from the Liaison Group, a focused programme of work on forest biological diversity was agreed to at COP4. The key elements of the programme of work include:

Parties:

- Noted the importance of international collaboration to address afforestation, deforestation, forest degradation and loss of forest biodiversity;
- Requested SBSTTA to provide advice on the status and trends of forest biodiversity and the identification of options for the conservation and sustainable use of forest biodiversity for consideration at COP6;
- Requested the financial mechanism to support implementation of the programme of work, in particular, activities to halt and mitigate deforestation effects, basic assessments and monitoring of forest biodiversity, including taxonomic studies and inventories focusing on forest species, other important components of forest biodiversity and ecosystems under threat; and
- Established four key elements to advance work on forest biodiversity, which are:
 - 1) Holistic and inter-sectoral ecosystem approaches that integrate the conservation and sustainable use of biodiversity, taking account of social and cultural and economic considerations.
 - 2) Comprehensive analysis of the ways in which human activities, in particular, forest management practices, influence biodiversity and assessment of ways to mitigate or mitigate negative influences.
 - 3) Methodologies necessary to advance the elaboration and implementation of criteria and indicators for forest biodiversity.
 - 4) Further research and technology priorities identified in the SBSTTA recommendation II/8 as well as issues identified in the review and planning process under the work programme.

The work programme describes several activities and ways and means to address each major element. It is up to countries to identify their priorities and required activities, and choose the most appropriate ways and means for their situation.

The question posed at the beginning of this Annex has two components that will be addressed separately.

How successful has the CBD been to date in providing effective governance of the international forest agenda?

The CBD is a very young treaty and Parties are still trying to determine how to establish both national and international governance over biodiversity. It is consequently difficult to state how effective CBD has been. However, it appears that the CBD and its Parties have contributed to governance of the international forest agenda by:

- Increasing global awareness of the need to address biodiversity issues, including the loss of forest biodiversity;
- Providing global leadership by establishing a programme of work on forest biodiversity;
- Contributing to the better understanding of the relationship between indigenous people and forest biodiversity;
- Addressing cross-sectoral issues such as the negative impacts of alien species, the need to enhance taxonomic capacity and by developing a protocol for the safe transfer of living modified organisms;
- Providing through their financial mechanism, financial resources for forest biodiversity initiatives;
- Promoting the need for national biodiversity strategies, that more than 80 countries have now completed, many of which address forest ecosystems; and
- Continuing to interact in a variety of ways with other international bodies that are involved with forests, including participation in the Inter-Agency Task Force on Forests.

How successful has the CBD been in developing a common international agenda for action for the forest sector?

Parties to the CBD have contributed to the development of a common international agenda for action for the forest sector. Discussions, held within Conferences of Parties, SBSTTA and the Forest Liaison Group have resulted in the identification of several key elements of an overall agenda for forests.

Some of the key areas for action that Parties to the CBD have emphasized include, the need to:

- Determine and address the underlying causes for the loss of forest biodiversity;

- Enhance basic forest biodiversity inventories, including inventories of non-timber values and the status and trends of components of biodiversity;
- Enhance the capacity to identify and monitor forest biodiversity by increasing taxonomic and technical capacity, especially in developing countries;
- Establish sets of criteria and indicators for forest biodiversity;
- Determine the role of protected areas in achieving sustainable forest management;
- Conduct research to determine and prevent human-caused negative impacts to forests, and improve ways to restore degraded ecosystems;
- Improve cross-sectoral planning to integrate forest conservation and development objectives; and
- Apply the ecosystem approach to the use and conservation of forests.

The contribution of the CBD to the overall forest agenda has focused on a better understanding of forest ecosystems and requirements for their conservation. Parties to the CBD have not significantly addressed sustainable use and many other aspects of sustainable forest management. This reflects the view that has been repeated several times by Parties, that they believe that the CBD has a role to play in the conservation and sustainable use of forest biodiversity, but is only part of what is required to achieve sustainable forest management. Parties emphasized the need for international cooperation and collaboration to avoid duplication of efforts.

While Parties to the CBD have attempted to contribute to the effective governance of the forest agenda and to the establishment of a common agenda, they have also made it clear that they only have a part to play in the overall management of forests. Parties have only addressed forest biodiversity issues and only begun to make any progress in this area. Given their current level of resources, and the many topics that they have under consideration, it is extremely unlikely that Parties to the CBD will significantly enhance their role in developing and implementing a more comprehensive forest agenda. The extremely busy agenda of each meeting of Parties also means that forest issues will continue to compete with many other topics, and thus, the CBD will not provide an adequate focal point for the international community to address the needs of sustainable forest management.

D) What factors limit the potential of the CBD to act as the global mechanism to formulate an international forest policy agenda for action, and coordinate and mobilize the diverse strengths of existing intergovernmental institutions in implementing such as agenda for action?

The CBD has several potential limitations in terms of it acting as a global mechanism to formulate an international forest policy agenda for action and mobilize the diverse strengths of existing intergovernmental institutions. These are described below:

1. Probably the greatest limitation of the CBD to act as the global mechanism to formulate and implement an international forest policy agenda for action, and coordinate and mobilize the diverse strengths of existing intergovernmental institutions, is that Parties to the CBD may not be able to devote sufficient time and resources to deal with the many complex forest issues, given their already extremely heavy agenda. Forest issues require a dedicated and effective international focal point to allow and promote debate and discussion. The Commission on Sustainable Development recognized this need when they established the IPF. The IFF was established to continue discussion and debate on forests and build on the valuable outcomes of the IPF. Parties to the CBD will not likely be able to provide an adequate international focal point for discussion and debate on forests, without abandoning many of the current topics that they have already initiated work on. Parties have established or are establishing programs of work related to marine and coastal areas, indigenous knowledge, agriculture biodiversity, inland water ecosystems, and several other topics. Some Parties would likely object to giving higher priority to forests and focusing time and resources on enhancing the CBD as a legal framework for forests, if it required reducing time and resources in other areas.
2. The second most significant factor that could limit the CBD from acting as the global mechanism to formulate and implement an international forest policy agenda for action, is that there are several aspects related to sustainable forest management not addressed in terms of provisions in the CBD. For example there are no provisions to address:
 - the role intensive forest management (plantations, woodlots, and agro-forestry) could play in achieving sustainable use within the context of an overall forest landscape management approach;
 - the need to enhance and develop new appropriate harvesting, restoration, reforestation, regeneration, and afforestation measures;

- the need to ensure the protection of essential abiotic and non-harvested biotic aspects of ecosystems including soil, soil nutrients, water resources, and beneficial insects, etc.;
 - the need for integrated pest management which may be essential in many forests to protect biodiversity and economic interests;
 - the need to prevent the introduction of harmful alien species, eradicate or control harmful alien species in order to protect economic interests;
 - the need to establish fire management regimes to protect forest resources;
 - measure to reduce demand on forest resources by full-cost pricing, substitutions, reusing, recycling and recovery, and increasing production efficiency;
 - incentives to promote sustainability through voluntary certification of forest management and related forest product labeling;
 - measures of sustainability, (common definitions and measures);
 - air and water pollution, (which are negatively affecting several forested regions of the world);
 - land tenure, (the absence of recognized land tenure is increasingly recognized as an important factor allowing unsustainable use of forest resources and forest degradation);
 - the importance of forest biological resources in terms of their use as a source of renewable energy, (forest resources are a very important source of fuel, and must be considered in developing sustainable forest management approaches in many parts of the world);
 - the importance of forests as carbon sinks, sources of oxygen and influences on climate, (this is an increasingly important element of forests that must be considered in light of global commitments to reduce green house gas emissions;
3. In addition to actual gaps in provisions that may be necessary to advance sustainable forest management, the extremely general provisions of the CBD will likely need to be elaborated on, or strengthened, in order for the CBD to act as a focussed and effective mechanism to formulate and implement an international forest policy agenda for action.

Virtually all of the conservation provisions contained in Article 8 would need to be strengthened or elaborated on to provide adequate understanding of the requirements of sustainable forest management. Sub-articles 8(a) for example, requires Parties to as far as possible and as appropriate establish a system of protected areas where

special measures need to be taken to conserve biodiversity. This very general commitment would need to be enhanced so that it was at least as detailed and strong as Principle 8(f) of the Non-binding Forest Principles, which states: *National policies and/or legislation aimed at management, conservation and sustainable development of forest should include the protection of ecologically viable representative or unique examples of forests, including primary/old growth forests, cultural, spiritual, historical, religious and other unique and valued forests of national importance.*

Article 10 of the CBD addresses sustainable use of biological resources. Sustainable use is one of the most critical aspects of sustainable forest management. Unfortunately, Article 10 only contains five sub-articles, four of which are repeated elsewhere in the Convention. This compares to two Articles being devoted to conservation (Article 8 and 9) with 18 sub-articles. Far more important than the number of articles and sub-articles, is that the sustainable use provisions of the CBD miss several essential aspects in relation to sustainable forests management. Thus, in order for the sustainable use provisions of the CBD to be useful in advancing sustainable forest management, increased specificity is required.

4. National, regional and international reports on the status of forests and forest resources are essential for providing an objective basis to establish appropriate policies and programs and to determine priorities for actions. The CBD requires Parties to report on measures taken to implement the provisions of the CBD (Article 26), but does specify the content or frequency of reports. Parties submitted their first National Reports in 1998 for consideration at COP4. These reports focused on Articles 6 and 8 of the CBD. As part of the decision taken at COP4 on forest biological diversity, the Executive Secretary was asked to prepare a report on forest biodiversity extracting relevant information on forests from the National Reports and other sources. There was no commitment for countries to report further on the status and trends of their forests. Parties could decide at COP6, in 2002 to enhance reporting on forest biodiversity, but it is unlikely that they would prepare reports on all aspects of sustainable forest management, nor is there any indication that Parties would focus time and resources of the Secretariat on developing a Global Report on the State of the World Forests. Thus, while there is a chance that national reports will have some focus on forests between 2002 and 2004, there is no commitment for regular reporting on the status of forests under the CBD. Such reporting is necessary to monitor the global status of forest and to provide a basis for establishing global policies, programs and priorities. It is unlikely that Parties to CBD can focus time and resources to regularly monitor and report on the status of forest, in light of other commitments. This is a significant limitation in terms of both the CBD providing an adequate mechanism to formulate an international policy agenda for forests and in coordinating and mobilizing the diverse strengths of existing intergovernmental institutions. Status reports help institutions set priorities and help agencies coordinate their activities to focus on gaps and prevent duplication of effort.
5. Information sharing is necessary to establish an effective global mechanism to formulate and implement an international forest policy agenda for action, and

coordinate and mobilize the diverse strengths of existing intergovernmental institutions. Information sharing is a key element of the CBD (Article 17). However, given the broad nature of the CBD, there is no focus on any particular subject area. The CBD is attempting to establish a clearinghouse mechanism to share information and promote and facilitate scientific and technical cooperation (Article 18(3)). Given the large volume of data and information that is available on forests, it may be difficult for the CBD clearinghouse to act as an efficient and effective mechanism to share data and information on all of the major ecological systems in the world. To be effective, the CBD will need to establish priorities and be selective in the subjects they include within the clearinghouse. If the clearinghouse mechanism under the CBD receives adequate resources, it could be a very effective information sharing system. If it does not have adequate resources it will not be able to be an effective clearinghouse mechanism for forests, and cannot provide an adequate mechanism to formulate and implement an international forest policy agenda for action, or coordinate and mobilize the diverse strengths of existing intergovernmental institutions.

6. The participation of intergovernmental and non-governmental organizations and individuals is a key aspect of the CBD. Non-governmental and intergovernmental experts have been included in expert meetings and panels, and can request permission to attend Conference of Parties and meetings of SBSTTA. They are afforded some opportunity to participate directly in discussions and debate, and can make formal statements. They can also be excluded from discussions by Parties, and occasionally have been. While the principle of open and transparent decision-making is enshrined in activities of Parties to the CBD, the process of decision-making makes it difficult for non-governmental and intergovernmental organizations to participate in Conferences of Parties. The extremely busy agenda of Conferences and the constant failure to maintain a set schedule, makes it very difficult for these intergovernmental organizations to have experts available when a particular subject of interest comes up for discussion. It is also difficult for these organizations to justify the expense of traveling and attending a two-week Conference when forest issues may only be discussed for a few hours in plenary sessions, and then discussions are moved to working groups, where their participation may be restricted. Thus, the format of Conferences of Parties to the CBD is considered to be a limiting factor in formulation of an international forest agenda and in mobilizing intergovernmental organizations.

E) What, if any, of the financial demands of developing countries for assistance to achieve sustainable forest management is beyond the scope of the CBD's financial mechanism? If there are demands beyond the scope of the financial mechanism, what is the potential to expand the CBD's financial mechanism to address the full-range of forest-related financial demands?

An understanding of the CBD's financial mechanism, the Global Environment Facility (GEF), and Articles of the Convention that address the financial mechanism and financial resources is required to address this complex question.

During negotiation of the CBD, countries agreed that the CBD required a financial mechanism (Article 21), and further agreed that the GEF would serve as the interim financial mechanism (Article 39). Most developed countries held the view that the GEF would provide an effective financial mechanism. However, some developing countries expressed the view that the CBD's financial mechanism should have its own specific fund and not be administered by the GEF. This gap prevented countries from reaching consensus on establishing a permanent financial mechanism and resulted in agreement that the GEF only be selected on an interim basis. This arrangement is now in its sixth year.

The GEF is a tripartite partnership of the United Nations Development Programme, The World Bank, and the United Nations Environment Programme. It was established in 1991, as a grant-making facility providing developing countries with assistance for environmental issues of global significance. Four crucial areas of the global environment were selected to be eligible for GEF funding; these are Biodiversity, Climate Change, Oceans and International Waters, and Ozone Depletion. The GEF has established an Operation Strategy for each of these four areas. In Biodiversity, four operational programs have been identified:

- Arid and Semi-arid Ecosystems;
- Coastal, Marine and Freshwater Ecosystems (including wetlands);
- Forest Ecosystems; and
- Mountain Ecosystems.

Senior officials within the GEF have repeatedly stated that the biodiversity objectives for the GEF will be derived from the objectives of the CBD. Thus, all GEF-funded activities

in biodiversity should be in full conformity with the CBD guidance provided by the Conferences of Parties.

Three Articles of the CBD are of particular interest in examining the financial resources and the financial mechanism to determine what sustainable forest management activities will fall within the scope of the CBD. These are, Articles 20, 21 and 39.

Article 20 (Financial Resources) is important in that it commits developed countries to provide new and additional financial resources to enable developing countries to meet the agreed full incremental costs to them of implementing measures that fulfil the obligations of the CBD. Parties are requested to take into consideration the special conditions resulting from the dependence on, distribution and location of biodiversity within developing countries, in particular small island states; and give special consideration to developing countries with environmentally vulnerable areas, such as those with arid and semi-arid zones, coastal and mountainous areas.

The notion of global environment benefits and incremental costs when applied to biodiversity projects has proven to be difficult. In theory, the GEF should only fund the net increment costs of achieving a global environmental benefit. However, it appears that the GEF has not been able to fully operationalize the global benefit/incremental cost concept for all biodiversity projects, and has provided funding for the total cost of projects under the Small Grants Programme, that is administered by the United Nations Development Programme (UNDP).

Article 21 (Financial Mechanism) establishes that, financial resources for developing countries Parties to the CBD will be provided on a grant or concessional basis. It also establishes that the Conference of Parties will determine the policy, strategy, program priorities and eligibility criteria relating to the access to and utilization of such resources. It is important to note that while Article 21 establishes Parties as responsible for defining priorities and eligibility criteria, the GEF only takes advice from Parties to the CBD, as the GEF has its own governing body and Scientific and Technical Advisory Panel (STAP). Article 21 requires Parties to regularly review the effectiveness of the financial mechanism and take appropriate action to improve its effectiveness if necessary.

During COP4, Parties established a programme of work for forest biodiversity and made several recommendations regarding financial resources and the financial mechanism (Decisions from the fourth meeting of Parties to the CBD IV/7, 1998):

Parties:

- Urged countries, international financial institutions, including the GEF, to give high priority to the allocation of resources to activities that advance the objectives of the CBD in respect of forest biodiversity;
- Called upon the GEF to provide financial support, in accordance with Article 7 of the CBD, for activities and capacity-building for the implementation of the work

programme for forest biodiversity and the use of the clearing-house mechanism, particularly for activities to halt and mitigate deforestation effects; basic inventories focusing on forest species and other important components of forest biodiversity; and ecosystems under threat; and

- Requested the financial mechanism of the CBD to consider the operational objectives of the programme of work as a guidance for funding in the field of forest biodiversity and strongly encouraged the GEF to assist in the implementation of the programme of work at the national, regional, and subregional levels;

The outcome of a recent expert meeting convened by the Scientific and Technical Advisory Panel of the Global Environment Facility (STAP) is also noteworthy. The STAP organized an Expert Group Workshop on the Sustainable Use of Biological Diversity, in Malaysia from November 24-26, 1997. The goal of the workshop was to provide strategic and operational advice to the GEF on sustainable use of biodiversity in various ecosystems (forest, mountain, arid and semi-arid, and coastal and marine). Workshop participants were asked to consider local knowledge systems, sharing of benefits and incremental costs in making their recommendations. The Expert Working Group commissioned a number of case studies to assist them during their workshop.

Workshop participants identified many challenges that the GEF faces in attempting to define and support sustainable use initiatives. These challenges include a lack of:

- Baseline information, for example on species, their status, distribution and population biology parameters; and on the properties and functioning of the ensembles of populations of many species in ecosystems;
- Scientific and technical expertise required to assess and monitor the ecological sustainability of a project;
- Local institutions capable of organizing and maintaining the effects required for the social and economic sustainability of a project, and to share the benefits equitably;
- Agreement on values and goals among stakeholders;
- Regulatory frameworks, clearly defining access rights, and markets for goods produced; and
- Agreed and clear definitions of global benefits in locally sustainable use projects, which impinges in the calculation of incremental costs.

Workshop participants agreed to several recommendations. Some recommendations can be applied to all ecosystems, while others were specific to forest ecosystems. With respect to forest ecosystems, workshop participants recommended that the GEF support projects that result in the:

- Substitution of alien-wood species plantations by plantations with suitable native species;
- Substitution of mono-specific plantations by multi-specific plantations;
- Substitution of high impact logging techniques to lower impact methods, and training of forest dwellers and small-scale loggers;
- Diversification of plantations and managed forests by promoting wildlife management and other non-timber products;
- Development of certification regimes for sustainable and diversity-friendly practices; and
- Discouragement of free user access to forests in favor of establishing clear ownership and control regimes. Where they exist, traditional control or ownership regimes may be acknowledged and strengthened as an add-on activity.

With this background information, it is now possible to answer the following two questions:

What, if any, of the financial demands of developing countries for assistance to achieve sustainable forest management are beyond the scope of the CBD's financial mechanism?

Based on the provisions of the CBD that relate to the financial mechanism, and the background information provide above, the following conclusions are made:

- Parties to the CBD are responsible for establishing the scope and priorities for funding and therefore, can advise the financial mechanism to consider financial support for any developing country Party for projects that are directed at sustainable forest management.
- The GEF has limited experience in funding sustainable use projects. The COP4 decision on forest biodiversity and the workshop report of STAP convened Group of Experts on Sustainable Use, advise the GEF to support a wide-range of sustainable use projects. If this advice is accepted, support to developing country for sustainable forest management projects should increase.
- The GEF has produced a draft Operational Program No.3 Forest Ecosystems, which responds to the guidance provided to Parties to the CBD. The Program includes objectives for both conservation and sustainable use of forests. The objectives, scope and expected outcomes described in the GEF program document for forest ecosystems further demonstrate an understanding of the need to provide funding for both conservation and sustainable use projects.

- It appears that sustainable forest management projects that provide global benefits should be eligible for financial assistance to cover incremental costs. Projects that only produce national and local benefits may not be eligible for funding, except for assistance from the Small Grant Programme, which provides up to US \$50,000 per project.
- In reviewing past projects supported by the GEF, there has been an emphasis on conservation-type projects. However, if the GEF follows the advice of Parties to the CBD and the recommendations of the expert group workshop on sustainable use, more projects relating to sustainable use of resources should be funded in the future.

If there are demands beyond the scope of the financial mechanism, what is the potential to expand the CBD's financial mechanism to address the full-range of forest-related financial demands?

It is difficult, perhaps impossible to provide an accurate estimate of the costs required to assist developing countries to adopt sustainable forest management approaches. However, it is extremely likely that the demand will be much greater than what is available from the GEF. It is unlikely that the GEF will be significantly increased in the near future. Furthermore, even if GEF funding were to be increased, it should not be assumed that additional funding would be available for forest issues, given that there are many other global environmental issues that require financial resources. In short, the GEF is unlikely to be able to meet the demands of developing countries for financial assistance for activities related to sustainable forest management now, or in the foreseeable future. Innovative financial assistance programs are required to assist developing countries with the transition to the sustainable use of forest biological resources and the conservation of forest biodiversity.

Annex VI

E) To what extent would a forest protocol to the CBD strengthen the international legal regime for forests and what are the pros and cons of such a protocol compared to a dedicated international forest convention?

This complex question will be addressed in two parts. The first part of the question asks would a protocol strengthen the international regime for forests? Before answering the question, some background information is provided to explain the potential role of a forest protocol.

The Legal Basis for a Forest Protocol under the CBD:

Article 23 (4)(c) (Conference of the Parties), Article 28 (Adoption of Protocols), Article 29 (Amendment of the Convention or Protocol) and Article 32 (Relationship between the Conventions and Its Protocols) of the CBD, provides the key elements that form the basis for the development of protocols. The key elements of these Articles are:

- The Conference of Parties shall keep under review the implementation of the CBD, and for this purpose, shall; consider and adopt, as required, protocols in accordance with Article 28.
- The Contracting Parties shall cooperate in the formulation and adoption or protocols to the CBD.
- Parties shall make every effort to reach agreement on any proposed amendment to the CBD or any protocols, by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort, be adopted by a two-thirds majority vote of Parties. Protocols need to be ratified by Parties and may specify the number of Parties required to ratify the protocol in order for it to enter into force.
- Decisions taken under a protocol can only be taken by Parties to the protocol.

The CBD does not describe in any detail the nature and scope of protocols. The Convention does not specify the subject matter of protocols, implying that any subject may be covered by a protocol. To date, the Biosafety Protocol is the only protocol that has been pursued under the CBD, and thus, it is difficult to speculate on what Parties may expect to see in a forest protocol. Typically, protocols contain additional substantive obligations or measures to promote particular aspects of a convention. Protocols may result in the establishment of their own infrastructure, such as, a separate conference of parties, secretariat and financial mechanism. It is also important to note that protocols are separate instruments and Parties to the CBD are not obligated to become Parties to protocols. Only Parties to the CBD can become Parties to a protocol

and only Parties to a particular protocol can take part in decisions relating to that protocol.

The primary use of protocols is that they provide a means to concretely establish obligations, normalize practices and facilitate harmonized approaches.

The background above information provides the context for answering the following question:

To what extent would a forest protocol to the CBD strengthen the international legal regime for forests?

The answer to this question depends entirely on what is in the protocol and which countries become Parties to the protocol. A forest protocol under the CBD would be legally binding for all Parties that choose to ratify it. Therefore, if a forest protocol is developed under the CBD that provides detailed measures to strengthen or enhance efforts to achieve sustainable forest management, it should strengthen the international legal regime for forests. This assumes that countries with significant forest cover ratify the protocol. Based on Parties past emphasis on conservation matters, it is likely that a forest protocol under the CBD would strengthen the international regime for forests, especially in terms of conserving forest biodiversity. However, it is unlikely that a forest protocol under the CBD would be able to address all of the issues related to sustainable forest management.

Pros and Cons of a Forest Protocol under the CBD versus a Forest Convention:

Based on discussions at COP meetings and publications by primarily environmental non-governmental organizations (NGOs), it appears that the forest industry and NGOs have different views on the pros and cons of a forest protocol versus a dedicated forest convention. Many environmental organizations have argued that a forest protocol under the CBD will ensure that forest biodiversity is conserved. They reject a separate forest convention fearing that this will provide a vehicle for increased exploitation of forest resources, and would focus on timber values, rather than all forest values. Forest industry representatives are concerned that a forest protocol under the CBD would be focused entirely on conservation and not provide adequate scope to address economic, social, cultural and environmental issues within the context of sustainable forest management.

The following is an attempt to provide an objective review of the pros and cons of establishing a forest protocol under the CBD versus developing a dedicated international convention on forests.

Scope:

Several environmental groups have argued that the breadth of scope provided by the CBD provides a strong argument that favors development of a forest protocol under the CBD. They contend that the CBD is an instrument that balances conservation and use of

resources, and recognizes the important contribution that indigenous and local people play with regard to the management of biological diversity.

Forest industry representatives have argued that in fact the CBD is too narrow to provide the necessary scope to address all of the major elements of sustainable forest management. In particular, they argue that the CBD does not provide the scope to address forest economic and trade issues, which are essential elements of sustainable forest management.

The current scope of the CBD could be a severe limitation to developing a forest protocol, if Parties to the CBD would not allow the scope of a forest protocol to go beyond the scope of the CBD to address all key issues related to sustainable forest management. While it appears that there is no legal barrier to expanding the scope of a protocol beyond its host convention, some Parties may feel that a protocol should not extend beyond the provisions of the CBD. There could be several reasons for rejecting a comprehensive protocol. Some Parties may feel that they do not have the resources to accommodate any expansions. Other Parties may resist a comprehensive forest protocol feeling that it will shift too much focus on forests, diverting attention and resources from other ecosystems and issues. Thus, while the scope of the CBD need not be a disadvantage to developing a comprehensive forest protocol, some Parties may restrict the scope of the protocol. The scope of a forest convention would be determined through negotiation. It would likely only involve countries with significant interests in forests and would therefore not face opposition from countries that had other priority ecosystems and issues.

Negotiation Time:

One of the arguments that has been put forward in favor of a forest protocol under the CBD is that there is a belief that it will take less time to develop a protocol than a separate forest convention. Given the current rate of loss of forest biodiversity, shortening the negotiation time is extremely appealing and would be a compelling argument to support development of a protocol, if there was any proof that development of a protocol would take less time than development of a convention.

It is impossible to say for certain which mechanism would take less time to develop. However, there is reason to believe that development of a separate forest convention may in fact be faster than developing a forest protocol under the Convention. It took approximately 2-3 years to negotiate the CBD. Based on this timing, if countries began negotiation of an international forest convention in 2000, negotiations could be completed by 2002-2003. In 1998, during COP4, Parties agreed that forest biodiversity would be the theme for their sixth meeting, which would occur sometime in 2002. Given the COP's work plan, 2002 would likely be the earliest that a forest protocol under the CBD could be considered. If Parties reached agreement at their sixth session in 2002, then it is likely that it would take at least until the year 2004 before a forest protocol could be considered for ratification. However, based on past practices of the COP, they would likely ask their Subsidiary Body on Scientific, Technical and Technological

Advice to examine the scientific and technical merits of the proposed protocol which could add an additional 2 years to the preparation of a forest protocol.

In summary, the negotiation period for either a forest protocol under the CBD or a forest convention is likely to take approximately the same length of time. However, the period to establish a forest protocol is likely to be much longer, as Parties to the CBD have already established a medium-term program of work. Parties would not likely shift their work program to devote time and resources to the negotiation of a forest protocol to the year 2002 or 2004, which means that it would take until 2006 or 2007 before the protocol would come into affect. If the Commission for Sustainable Development established a mechanism to develop a forest convention in 2000, a convention could be completed by 2002 and come into force in 2003.

A Financial Mechanism:

The existence of the Financial Mechanism (the Global Environment Facility) under the CBD is often cited as an important reason to establish a forest protocol under the CBD.

There is probably no advantage provided by having an existing financial mechanism under the CBD. If a forest convention were to be established, it would need a financial mechanism. It is possible that the Global Environment Facility (GEF) could be asked to serve as the financial mechanism for a forest convention. The GEF already has a biodiversity focal point for forests, and Parties to either a protocol or convention could provide advice to the GEF on forest funding priorities.

While there is no or little advantage to using the CBD's financial mechanism to fund activities under a forest protocol, there could be an advantage to establishing a separate financial mechanism under either a protocol or a convention. The need for new and additional financial resources and the need to provide financial support to assist developing countries make the transition to sustainable forest management was discussed in detail in Annex V. Establishment of a new mechanism could provide a stimulus for new and additional funds, and a new mechanism would not be limited in scope to providing only incremental costs for projects that have global benefits.

Integrating Conservation and Use of Forest Resources:

Some environment groups have indicated that they believe that the CBD offers the greatest potential to ensure that the use of forest resources is balanced with the need to conserve all forest values, including maintaining ecological functions. They have expressed concerns that a dedicated forest convention could be focused on timber resources or other harvested forest commodities, and not place adequate focus on the conservation of forests. These arguments and concerns can only be addressed by establishing a forest convention that demonstrates the same or higher level of commitment to conservation that is contained in the CBD. Moreover, countries that have ratified the CBD are bound to it, and obligated to conserve forest biodiversity and use forest biological resources in a sustainable manner. Development and ratification of a

forest convention cannot change this commitment. Currently 172 countries have ratified the CBD, including countries with significant forest cover such as Brazil, Canada, Malaysia, Russia, Mexico, Australia, Costa Rica, Columbia, China and others.

While the concern to ensure that an international agreement on forests includes provisions for the conservation of all forest values is valid, it cannot be argued that such provisions are only possible under the CBD. In fact, a forest convention would need to provide provisions for both the conservation of forest biodiversity and the sustainable use of forest biological resources to ensure that it served as a comprehensive framework for achieving sustainable forest management worldwide.

A Secretariat:

People in favor of a forest protocol under the CBD often point to the fact that Parties to the CBD have already established a Secretariat, which they believe could provide the administrative support that is required to negotiate and implement an international agreement on forests. They contend that if a dedicated forest convention were to be pursued, a new Secretariat would need to be established, which would be much more costly than building on the CBD Secretariat.

Using the CBD's Secretariat for a forest protocol may be a bit more cost-effective than establishing a new forest convention Secretariat. However, the existing Secretariat would need to be augmented with staff and financial resources in order to support the development and implementation of a forest protocol, and thus the cost saving may be quite small. While keeping administrative cost as low as possible is an important objective, the effectiveness of the Secretariat must also be considered. The CBD Secretariat already has a very heavy workload and must distribute resources to provide administrative and technical support to many issues and topics. It may be extremely difficult for them to provide the focus and support that is needed to negotiate and implement a forest protocol. Establishment of a new Secretariat under a forest convention would provide a focus on forest issues and create an opportunity to ensure that adequate administrative and technical support is available. Also, a dedicated forest convention Secretariat could be closely aligned with existing international bodies, such as FAO or CIFOR, that already have significant sustainable forest management technical capacity.

References:

A Call to Action. 1996. Decisions and Ministerial Statement from the Second Meeting of the Conference of the Parties to the Convention on Biological Diversity. Jakarta, Indonesia 6-17 November 1995. United Nations Environment Programme.

Agenda 21; Programme of Action for Sustainable Development. 1992. United Nations Conference on Environment and Development (UNCED) 3-14 June 1992, Rio de Janeiro, Brazil. United Nations Publication ISBN 92-1-100509-4.

Bass, S., and K. Thomson. **Need for Action on Global Forest Issues: Assessing the Potential of a Global Forest Agreement.** Undated. Unpublished. Prepared for the World Commission on Forests and Sustainable Development.

Biodiversity Action Network. 1996. **Addressing Forest Biodiversity Loss Under the Convention on Biological Diversity (CBD).** Options for Preliminary Action at the Third Meeting of the Conference of the Parties (COP-3) to the CBD (Buenos Aires, November 1996).

Biodiversity in the Forest The Canadian Forest Service Three-Year Action Plan Implementing the Canadian Biodiversity Strategy. 1997. Published by the Science Branch Canadian Forest Service Natural Resources Canada. Ottawa, Ontario Canada.

Commission on Sustainable Development Ad Hoc Intergovernmental Forum on Forests Second Session 24 August – 4 September 1998. **Programme Element II.a. of the Programme of Work of the Intergovernmental Forum on Forests Considering matters left pending on the need for financial resources.** Note from the Secretariat June 15 1998.

Commission on Sustainable Development. **Report of the Ad Hoc Intergovernmental Panel on Forests on its fourth session February 1997.** E/CN.17/1997/12. March 20 1997.

Convention on Biological Diversity. 1992. United Nations Conference on Environment and Development (UNCED) 3-14 June 1992, Rio de Janeiro, Brazil.

Convention on Biological Diversity. 1998. **Forest Biological Diversity.** Texts of the Decisions Adopted by the Fourth Meeting of the Conference of the Parties to the Convention on Biological Diversity 4 to 15 May 1998, Bratislava Slovakia.

Convention on Biological Diversity. **Meeting of the Liaison Group on Forest Biological Diversity.** 1997. UNEP/CBD/Forests/LG/1/Inf.2 12 May 1997 Helsinki, Finland.

Convention on International Trade in Endangered Species of Wild Fauna and Flora. Signed March 1973 and Amended June 1979. United Nations Environment Programme.

Criteria and Indicators for the Conservation and Sustainable Development of Temperate and Boreal Forests The Montreal Process. 1995. Published by the Canadian Forest Service Natural Resources Canada. Ottawa, Ontario Canada. ISBN 0-662-23109-0.

Defining Sustainable Forest Management A Canadian Approach to Criteria and Indicators. 1995. Canadian Council of Forest Ministers. Ottawa, Ontario Canada K1A 0E4. ISBN 1-896408-04-4.

Fry, I. Undated. **Addressing the Loss of Forest Biodiversity: The Need for a Forest Protocol Under the Convention on Biological Diversity.** A Discussion Paper. Greenpeace International.

German NGOs of the Forum Umwelt & Entwicklung (Forum on Environment & Development), Represented by the Working Groups "Forests" and "Biodiversity". **Position Paper on a New International Political Instrument for the Global Protection of Forests.** Undated. ARA. Postfach 100 466, Klasingstr. 17, D33602 Bielefeld.

Gilberg, M. 1998. **A Conceptual Approach for an International Forests Regime.** A background study, serving as a contribution to discussion, prepared for the National Forest and Nature Agency, Denmark. April, 1998.

Global Environment Facility (GEF). 1996. **Operational Manual for UNEP Staff.**

Global Environment Facility (GEF). 1996. **Statement to the third meeting of the Conference of the Parties to the Convention on Biological Diversity by Mohamed T. El-Ashry Chief Executive Officer and Chairman Global Environment Facility (GEF).** Buenos Aires, Argentina November 4, 1996.

Global Environment Facility (GEF). 1996. **Operational Criteria for Enabling Activities: Biodiversity.** June 1996.

Global Environment Facility (GEF). 1996. **Operational Program #3: Forest Ecosystems. Draft (8/29/96).**

Glowka, L., and C. Klemm. 1996. **International Instruments, Processes and Non-indigenous Species Introductions: Is a Protocol to the Convention On Biological Diversity Necessary?** A Paper Presented at the Norway/United Nations Conference on Alien Species Trondheim 1 July 1996. IUCN The World Conservation Union.

Gluck, P., R. Tarasofsky, N. Byron and I. Tikkanen. 1997. **Options for Strengthening the International Legal Regime for Forests.** A report prepared for the European Commission.

Guiding Principles Toward a Global Consensus for the Conservation and Sustainable Development of All Types of Forest World-Wide. 1991. (Draft). Forestry Canada. Ottawa, Ontario, Canada K1A 1G5.

Joint NGO Statement on Forest Biodiversity. 1996. Presented to the third meeting of the Conference of the Parties to the Convention on Biological Diversity (6 November 1996).

Maini, J.S. 1991. **Towards an International Instrument on Forests.** Background Paper. Prepared for the Informal Intergovernmental Consultation 21-22 February 1991, Geneva, Switzerland. Department of Forestry Ottawa Canada K1A 1G5.

Model for a Convention for the Conservation and Wise Use of Forests. 1992. GLOBE 50 Rue de Taciturne. 1040 Brussels, Belgium.

National Forest Strategy 1998-2003 Sustainable Forests A Canadian Commitment (Draft). 1998. Published by the Science Branch Canadian Forest Service Natural Resources Canada. Ottawa, Canada. ISBN 0662-25736-7.

Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests. 1992. United Nations Conference on Environment and Development (UNCED) 3-14 June 1992, Rio de Janeiro, Brazil.

Raustiala, K. and D.G. Victor. 1996. **Biodiversity Since Rio – The Future of the Convention on Biological Diversity.** Environment Volume 38 Number 4. Pg. 17.

Recommendations on IPF Programme Element V.2; Contribution to Consensus Building Towards the Further Implementation of the Forest Principles. 1996. Prepared by the EIA Environmental Investigation Agency Limited. London UK.

Subsidiary Body on Scientific, Technical and Technological Advice. 1996. **An Ecosystem Approach to the Management of Northern Coniferous Forests.** UNEP/CBD/SBSTTA/2/Inf.6.

Subsidiary Body on Scientific, Technical and Technological Advice. 1996. **Biological Diversity in Forest**. UNEP/CBD/SBSTTA/2/11.

Subsidiary Body on Scientific, Technical and Technological Advice. 1997. **Report of the Meeting of the Liaison Group on Forest Biological Diversity 25 to 28 May 1997**. Helsinki, Finland UNEP/CBD/SBSTTA/3/Inf.5.

Tarasofsky, R.G., 1995. **Issues in Forest Conservation. The International Forests Regime Legal and Policy Issues**. IUCN-The World Conservation Union and World Wildlife Fund For Nature. December 1995.

The Biodiversity Agenda. 1996. **Decisions from the Third Meeting of the Conference of the Parties to the Convention on Biological Diversity**. Buenos Aires, Argentina 4-15 November 1996. United Nations Environment Programme.

The International Environmental Law and Policy Series. 1996. Edited by S.P. Johnson. Published by the Kluwer Law International Sterling House London UK. ISBN 1-85333-275-5.

The World's Forests-Rio + 5: International Initiatives Towards Sustainable Management. 1997. Edited by A.J. Grayson and W.B. Maynard. Published by the Commonwealth Forest Association Oxford.

Traditional Forest-Related Knowledge and the Convention on Biological Diversity. 1996. The Contribution of the Executive Secretary to the preparation of the Report of the Secretary General for Programme Element 1.3 of the Intergovernmental Panel on Forests "Traditional Forests-related Knowledge and the Convention on Biological Diversity (UNEP/CBD/COP/3Inf.33).

United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. 1994.

United Nations Framework Convention on Climate Change. United Nations Conference on Environment and Development (UNCED) 3-14 June 1992, Rio de Janeiro, Brazil.

UNEP's Forest Policy and a Proposed Action Programme for the Period 1996-2000. 1996. United Nations Environment Programme. Nairobi, Kenya. ISBN 92-807-1612-3.

World Resources Institute. **Biodiversity and Climate**. Key Issues and Opportunities Emerging from the Kyoto Protocol. WRI Washington DC 20006.

World Wildlife Fund International. 1996. **Measuring Forest Quality: Criteria and Indicators for Forests.** Prepared for the second meeting of the Subsidiary Body on Scientific, Technical and Technological Advice of the Convention on Biological Diversity 2-6 September 1996, Montreal.

World Wildlife Fund International & IUCN The World Conservation Union. 1998. **Forest Biological Diversity Recommendations for the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity.** 4-14 May 1998. Bratislava, Slovakia.